

Also, resolutions adopted by the Friends of Irish Freedom, of Fresno, Cal., urging support of Miss RANKIN's resolutions for Ireland's rights; to the Committee on Foreign Affairs.

Also, resolution adopted by the San Francisco Chamber of Commerce, urging that Congress enact legislation making the ports of this country free ports; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: Petitions favoring partial payments of war excess and profit taxes from Utica Knitting Co. and Oneita Knitting Mills, Utica, N. Y.; Wonder Dress & Costume Co., Neinsheimer Bros., I. Zimetbaum Co., Joseph Berlinger Co., Valentins & Bunker, M. R. Silverman, d'Albert Godde Eadin & Cie., Andover Silk Co., Perret Gros & Million, J. Rapoport & Co., Mux Mayer, Star Skirt Co., Blauner Bros. & Co., Lindenman, Bross & Hindes, M. J. Smith Silk Co., Marx-Singer Co., M. Shidlovsky & Co., King & Applebaum, Weisen & Goldstein, I. D. Karpas & Co., New York City; Kavanaugh Knitting Co., Waterford, N. Y.; High Rock Knitting Co., Philmot, N. Y., Monarch Knitting Co., Buffalo, N. Y.; Ess-Arr Knitting Co., Brooklyn, N. Y.; Rockford Knitting Co., Cheltenham Knitting Co., Philadelphia, Pa.; Simons, Hatch & White Co., Boston, Mass.; A. Schottland, Paterson, N. J.; to the Committee on Ways and Means.

By Mr. STEENERSON: Petitions of Chippewa Indians of Minnesota, against the enactment into law of House bill 8859, proposing to authorize payment of claims of certain individuals out of tribal funds of said Indians, and protesting against payment of large fees and expenses of certain members of said tribe in Washington; to the Committee on Indian Affairs.

By Mr. VARE: Petition of Chiropody Society of Pennsylvania, asking for the passage of House bill 3649, regulating the practice of chiropody in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of the Philadelphia Trade Press Club, against increase in second-class postage; to the Committee on Ways and Means.

SENATE.

TUESDAY, April 23, 1918.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray Thee to confirm our hearts' desire to work and think and speak for Thee. Give to us such power of spiritual appropriation that we shall desire no glory but Thine, and our highest welfare to work and sacrifice and suffer, if it be Thy will, that Thy will may be accomplished in us as a Nation. We ask these blessings for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REGISTRATION FOR MILITARY SERVICE.

Mr. CHAMBERLAIN. I ask the Chair to lay before the Senate the action of the House of Representatives upon Senate joint resolution 123.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 123) providing for the calling into immediate military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

Mr. CHAMBERLAIN. I move that the Senate disagree to the amendment of the House, ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN conferees on the part of the Senate.

CALLING OF THE ROLL.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Harding	Lenroot
Beckham	France	Henderson	McKellar
Brandeggee	Frelinghuysen	Jones, Wash.	Martin
Chamberlain	Gallinger	Kellogg	Nelson
Fernald	Gerry	Kirby	New

Nugent	Ransdell	Smoot	Trammell
Overman	Saulsbury	Sutherland	Underwood
Page	Sheppard	Swanson	Vardaman
Phelan	Sherman	Thomas	Walsh
Pittman	Smith, Ga.	Tillman	Williams

Mr. THOMAS. I was requested to announce the necessary absence of the Senator from Georgia [Mr. HARDWICK] and the Senator from Vermont [Mr. DILLINGHAM], who are now engaged on a conference committee.

The PRESIDENT pro tempore. Forty Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. KNOX, Mr. McLEAN, Mr. NORRIS, Mr. SHAFROTH, Mr. THOMPSON, Mr. TOWNSEND, and Mr. WOLCOTT answered to their names when called.

Mr. GALLINGER. The senior Senator from Massachusetts [Mr. LODGE] is unavoidably absent. I wish this notice to stand for the day.

Mr. BECKHAM. I wish to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

Mr. KIRBY. I desire to announce that the Senator from Illinois [Mr. LEWIS] and the Senator from Arkansas [Mr. ROBINSON] are detained, taking part in the third liberty-loan campaign.

Mr. SHIELDS, Mr. COLT, Mr. HARDWICK, Mr. DILLINGHAM, Mr. POMERENE, Mr. McNARY, Mr. BAIRD, and Mr. JOHNSON of California entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum is present.

LOUISVILLE & NASHVILLE RAILROAD CO. (S. DOC. NO 219).

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in further response to a resolution of November 6, 1913, a supplemental report of the financial relations, rates, and practices of the Louisville & Nashville Railroad Co., the Nashville, Chattanooga & St. Louis Railway Co., and other carriers, which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNETT, Mr. SABATH, Mr. RAKER, Mr. HAYES, and Mr. JOHNSON of Washington managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 3476) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the field medical supply depot of the Army, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9784. An act incorporating patrol drivers into the Metropolitan police department of the District of Columbia;

H. R. 10891. An act to amend and reenact an act for the establishment of a probation system for the District of Columbia; and

H. R. 11231. An act to regulate the hours of duty of the officers and members of the fire department of the District of Columbia.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4292) to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign governments at war with the enemies of the United States; and, for the above purposes, to stabilize the price and encourage the production of silver, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. McKELLAR. I present a telegram, in the nature of a memorial, relative to Senate bill 3910, which provides penalties for national banking associations who charge illegal rates of interest on loans, notes, or discounts, and so forth, which I ask to have printed in the Record.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MILAN, TENN., April 14, 1918.

Senator K. D. McKellar,
Washington, D. C.:

In behalf of a great number of small national banks that have not sufficient volume to justify continuing in business at the legal rate in Tennessee, we urgently beg your opposition to Owen bill, Senate No. 3910. These small banks exercise the most usual function in finance in this country, financing things at the very source where all our real prosperity originates, and they should have full consideration in fixing interest rates. Minimizing earnings inevitably results in inefficiency. The things the bank officer must buy are higher than ever before, with prices fixed in many cases by the Government, and unless banks are allowed reasonable earning can't pay salaries sufficient to enable officers to make both ends meet, and result is inefficiency, of temptation to speculation, outside dabbling, or speculation.

FRED COLLINS.

Mr. McKellar. I present a telegram, in the nature of a memorial, from the board of governors of the Chattanooga Manufacturers' Association, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHATTANOOGA, TENN., April 19, 1918.

Hon. KENNETH D. McKellar,
Continental Hotel, Washington, D. C.:

We earnestly request you vigorously oppose Overman bill pending in Senate unless it be amended to exempt Interstate Commission from provision. People have been over 30 years securing protection now afforded by this commission, and anything affecting their functions or tenure of office will be a public calamity. We hope to have your hearty support of this position.

BOARD OF GOVERNORS OF THE
CHATTANOOGA MANUFACTURERS' ASSOCIATION,
By O. J. MAHONY, President.

Mr. McKellar presented a petition of sundry citizens of Springfield, Tenn., praying that Congress fix the price of the 1918 wheat crop at \$2.50 per bushel, which was ordered to lie on the table.

Mr. McLEAN presented petitions of sundry citizens of New Britain, Farmington, Deep River, and Willimantic; of the Equal Franchise League, of Stamford, and of the Woman's Suffrage Party, of Middle Haddam, all in the State of Connecticut, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of the executive board of the Connecticut Federation of Churches, praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented a petition of Local Branch No. 32, National Association of Letter Carriers, of Bridgeport, Conn., praying for an increase in salaries of postal employees, which was ordered to lie on the table.

He also presented a petition of the Windham County Medical Society, of the State of Connecticut, and a petition of the Middlesex County Medical Association, of the State of Connecticut, praying for advanced rank for officers of the Medical Corps in the Army, which were referred to the Committee on Military Affairs.

He also presented a petition of Ben Miller Council, No. 11, Junior Order United American Mechanics, of Danbury, Conn., praying for the enactment of legislation to provide for the drafting of aliens, which was referred to the Committee on Military Affairs.

Mr. COLT. I present a resolution adopted by the General Assembly of the State of Rhode Island and Providence Plantations, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

[S. 152. Mr. Kane, of Narragansett.]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION,
JANUARY SESSION, A. D. 1918.

Resolution relating to certain measures now pending in Congress.
Whereas the House of Representatives of the United States has passed a proposed amendment to the Constitution of the United States extending equal suffrage to the women of our Nation; and
Whereas the proposed amendment is now before the Senate of the United States for consideration; and
Whereas all the political parties of Rhode Island have declared in their platform for equal suffrage; and
Whereas the Legislature of Rhode Island at its last session passed the presidential suffrage bill; and
Whereas equal suffrage has been indorsed by the President of the United States: Therefore be it

Resolved, That our Senators in Congress be requested to vote for the equal suffrage amendment; and be it further

Resolved, That copies of this resolution be sent to the President and Vice President of the United States and to the Representatives of our State in the Senate of the United States.

Mr. COLT presented petitions of the American Defense Society of the State of Rhode Island, praying for the enactment of legislation to provide punishment for persons responsible for

pro-German activities and acts of disloyalty, which were referred to the Committee on the Judiciary.

LABOR CONDITIONS ON THE PACIFIC COAST.

Mr. PHELAN. Mr. President, I ask that the report on the Mooney dynamite cases in San Francisco, submitted by President Wilson's Mediation Commission, be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection?

Mr. GALLINGER. What is the request, and what is the document?

The SECRETARY. Report on Mooney dynamite cases in San Francisco, submitted by President Wilson's Mediation Commission, taken from the Official Bulletin of Monday, January 28, 1918.

Mr. SMOOT. We have had that sent all over the United States already. I can not say how many tons of paper have been used in it, because I have not figured it up. I do not think the Senator ought to ask now to encumber the RECORD with it. All that matter has been sent broadcast over the United States already.

Mr. PHELAN. In an address made to the Senate yesterday by the Senator from Washington [Mr. POINDEXTER], as I recollect, there was a reflection made upon the judicial processes of the courts of California. This report, made by the Secretary of Labor, Mr. Wilson, and several other gentlemen appointed by the President, vindicates the courts of California, because the report holds that the regularity of the proceedings was unimpeached and that the very general protest which has been made against the findings of the court and jury and the conviction and condemnation of Mooney was due to the fact that subsequent to the trial certain evidence developed impugning the character of a witness.

I do not desire to address the Senate on the subject unless I am compelled to do so, but inasmuch as this official report vindicates the judicial processes of the State of California, I ask that it be printed in the RECORD by way of an answer to the Senator from Washington and for general public information.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I listened carefully to every word the Senator from Washington uttered in his address yesterday. I did not hear one intimation of censure against the courts of California, and I do not believe there is a word which could be construed in all that he said yesterday as a reflection upon the courts of California. It seems to me that it would be an utterly useless waste of money. I know if the Senator from Arizona [Mr. SMITH] were here he would object to it, and I shall object to the printing.

The PRESIDENT pro tempore. The question is on the motion of the Senator from California to print the report in the RECORD. [Putting the question.] The yeas seem to have it.

Mr. PHELAN. I ask for a division.

On a division, the motion was rejected.

Mr. POINDEXTER. Mr. President, I merely desire to say that I came into the Senate just as the Senator from California made his statement in reference to some remarks that I made yesterday on the subject of a certain judicial trial which occurred in the State of California. The Senator from California is mistaken in his statement that I reflected upon the judicial processes of the courts of the State of California.

On the contrary, Mr. President, in view of the fact that the Senator from California has made that assertion, I will ask the Senator from California to repeat the particular word that he claims I used reflecting upon the courts of California. If I reflected upon the judicial processes of that State, the Senator from California will undoubtedly be able to cite the language which I used.

I am just informed that one statement the Senator from California made was that I impeached the courts of California. I should like him to point out the language in which I impeached the courts of that State.

Mr. PHELAN. Mr. President—

Mr. POINDEXTER. Just one moment. Before sitting down I want to say that the truth of the case is that instead of reflecting upon the judicial processes of the courts of California, the entire tenor and purport and meaning and effect of my remarks was a defense of the judicial processes of the State of California and of the protection and security of the courts of that State and all the other States of the Union.

Mr. PHELAN. Mr. President, I believe I did state it was my recollection that in the remarks of the Senator from Washington there was a reflection upon the judicial processes of the courts of California. This was an error. I may have received that impression from the general comment which has been made throughout the country by the press, especially the labor press at home and abroad, concerning the judicial processes

of the courts of California. A false statement, the basis of the attacks, was given out and sent widespread throughout the country by an organization formed for the purpose of raising funds for the defense of Mooney and his associates, and—

Mr. POINDEXTER. Mr. President—

Mr. PHELAN. I have the floor.

The PRESIDENT pro tempore. The Senator from California declines to yield.

Mr. PHELAN. In that statement it was clearly shown, not only in the body of the text but in the headlines, that a great judicial or legal outrage had been committed. Here are the headlines, on the title page:

Justice raped in California—Story of the San Francisco so-called bomb trials, wonderfully illustrated, showing how five of labor's "best and purest" are being framed up for the gallows by enemies of organized labor. (Published by the Tom Mooney molders' defense committee.)

The courts of California disposed of the matter, and, on appeal, held, by a decision made only last week, that there was nothing irregular; that there was no reversible error whatever in the proceedings of the court; that therefore the appellate court had no jurisdiction; and that the only recourse was to the executive—that is to say, the governor of California—for pardon or reprieve. It is the same kind of justice that every accused person is accorded.

Under those circumstances, the President of the United States having been informed, by a commission appointed by himself and headed by the Secretary of Labor, that material testimony had developed after the courts had disposed of the matter, he made appeal to the governor of California, as I understand it—the matter has not been made of record yet—to grant a respite in order that this man, concerning whose conviction a doubt had been created in the minds of so many people, be given an opportunity by a new trial to establish the truth or falsity of the charges against him.

I do not for a moment desire, even by intimation, to convey to the Senate that in my belief this man is innocent of the crime of which he is charged.

As the junior Senator from California [Mr. JOHNSON] said yesterday, he is "a very unworthy person"; he has been engaged in the business of illegally using dynamite; he was the editor of a paper, the Blast, an advocate of violence and direct action, and when two such papers in the Eastern States were suppressed, he in his paper, the Blast, threatened the President of the United States with assassination. That was in March, 1916; and yet the President of the United States, in view of radically conflicting opinion, in view of the condemnation, which has been very general in the labor world—not, I will say, by the Senator from Washington but by ignorant and misinformed persons—of the courts of California and of the whole circumstances surrounding the case, asked the governor of California that a respite be given, in order that not only Mooney might have an opportunity to exculpate himself, if possible, but that the reputation of the United States of America throughout the world might be vindicated as treating with utmost fairness men accused of crime. This report says that the trial was fair, and the American judicial processes always favor the prisoner under the established practice. Listen to this extract from that report:

It is familiar to students of jurisprudence that no system of criminal administration in the world hedges such safeguards around an accused as does an American trial. The conviction, in other words, was based on evidence narrowly confined to the specific issues. Furthermore, proof of guilt had to be established beyond a reasonable doubt and established to the unanimous satisfaction of a jury of 12 persons selected from among the people. Conviction by an American jury is guilt determined by a very democratic institution. There is no question but that the jury acted in good faith upon the evidence as it was submitted. It is because of subsequent developments that doubt is based upon the justice of the convictions.

I think it is only right that the Senate and the country should know by this report that the trial was perfectly fair, and when the President intervenes—

Mr. JONES of Washington. Mr. President—

Mr. PHELAN. And here, I will say, Mr. President, that the Senator from Washington [Mr. POINDEXTER] by implication condemned the President of the United States for intervening—that is, in his speech—when the President of the United States intervenes, it is only fair, I say, to the Senate and to the people of the United States and of the world to know that those safeguards which we throw around trial by jury have been preserved even by the President of the United States exceeding, if you please, out of excess of caution, in the interests of humanity and justice, for the vindication of our courts and institutions, what might appropriately be called his proper jurisdiction. He has no power in the case except the influence of his counsel.

Mr. JONES of Washington. Mr. President—

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Washington?

Mr. PHELAN. I yield to the Senator.

Mr. JONES of Washington. Mr. President, I merely wish to suggest to the Senator from California that my colleague also read that very statement in his speech on yesterday.

Mr. PHELAN. The statement which I have just read?

Mr. JONES of Washington. Yes.

Mr. PHELAN. I am very glad that I have reinforced it by reading it again in connection, not with the criticism of the President of the United States, but in vindication of his humanity and sense of justice.

It is not for us to try this case in the Senate of the United States. Both the junior Senator from California [Mr. JOHNSON] and myself had been asked to bring the matter up as long ago as last summer for the purpose of having a congressional investigation into these things, but we have refrained from doing so, because the courts of California are quite sufficient to take care of criminal cases, and in case evidence is introduced after the court has adjourned and the matter has been adjudicated, there is still the appeal to the Executive; and because the President of the United States has seen fit to invoke by his recommendation the power of the executive of California by suggesting that he give this man a new trial—not to satisfy, perhaps, any doubt in his mind, or in my mind, or in your mind—but to vindicate in the eyes of the world at a period like this, when labor is restless and suspicious, the fact that there is no attempt to "railroad" men to jail.

This story has attained international proportions; it went as far as Russia, I am told, and seriously affected the negotiations that were conducted by the commission which was sent by the United States in order to placate the Russian people and to bring them to a proper understanding of the rights and obligations of free citizenship; it was hurled in their teeth that in the State of California, in the United States of America, there was a despotism more repulsive than that which was ever exercised by the Czars of the Russias. In view of this fact, it seems to me that the Senate should permit an official report made by the commission appointed by the President of the United States to be introduced in its Record. The report finally said—and with this I will conclude—

Your commission therefore respectfully recommends in case the Supreme Court of California should find it necessary (confining as it is by jurisdictional limitations) to sustain the conviction of Mooney on the record of the trial, that the President use his good offices to invoke action by the governor of California and the cooperation of its prosecuting officers to the end that a new trial may be had for Mooney, whereby guilt or innocence may be put to the test of unquestionable justice. This result can easily be accomplished by postponing the execution of the sentence of Mooney to await the outcome of a new trial, based upon prosecution under one of the untried indictments against him.

That is the gist of the matter.

Mr. OVERMAN. From the report of what commission has the Senator from California read?

Mr. PHELAN. The President's Mediation Commission, and consists of the following gentlemen: Secretary of Labor W. B. Wilson, chairman; J. L. Spangler; E. P. Marsh; Verner Z. Reed; John H. Walker; Felix Frankfurter, secretary and counsel; Max Lowenthal, assistant secretary.

I may say, Mr. President, that when the famous Rigall letter was published, I, in common with most men, believed that Oxman, one of the principal witnesses, had been guilty of subornation of perjury, but he was tried by a California court and jury, and after a very short time—a few hours—the jury returned a verdict of not guilty. The whole structure of the condemnation of the proceedings resulting in the conviction of Mooney was based upon the supposed subornation of perjury by the witness Oxman.

Mr. POMERENE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Ohio?

Mr. PHELAN. I do.

Mr. POMERENE. In the interest of accuracy I desire to ask a question. The Senator from California has just made the statement that Oxman was tried and acquitted. I did not have the pleasure of hearing the speech made by the Senator from Washington [Mr. POINDEXTER] yesterday, but I have read the most of it in the Record; and, as I now recall, his statement was to the effect that this alleged offense of Oxman was inquired into by a grand jury, and that the grand jury failed to indict. What is the fact about it?

Mr. PHELAN. Oxman was tried by criminal court—the superior court of San Francisco—and was acquitted by a jury after the grand jury refused to indict, but he was held by a justice of the peace on information. On personal inquiry, I was informed by members of the bench and bar of California that Oxman was an ignorant man, who actually witnessed the explosion, who wrote that night to his wife in an interior Oregon

town bearing upon that fact. Through that means it was ascertained that Oxman was an eye witness of the event. The prosecuting attorney endeavored to induce him to come to San Francisco and testify, but he refused on the ground that he did not want to be involved in a case where there was actual personal danger. However, he was finally induced to come to the city of San Francisco. He was told that his testimony should find corroboration, and he was asked if anybody was present who could corroborate his testimony, whereupon he said he thought he had recognized a man in the crowd who was from his old residence in Illinois, and that he would endeavor to get him to corroborate him. Then, he wrote this letter, which on its face is so incriminating, asking that a man, who was not present, come to San Francisco and testify. That in itself was sufficient to prejudice any right-thinking man against the witness Oxman; and yet—and, as I have said, I am not familiar with the testimony in that case—he was tried for subornation of perjury and promptly acquitted, because, I believe, it was demonstrated that he did it out of ignorance; that he did not do it with any willful or criminal intent and that it was believed he actually saw what he described. It has, however, poisoned the minds of the world and the country against the judgment of that court and the finding of that jury, which at the time had no knowledge of the Rigall letter.

Of course, his associate in the dynamite crime, as alleged, had previously been convicted without the testimony of Oxman, and it is contended by those who believe in upholding the conviction by the court that the Oxman testimony was not therefore necessary. However, the matter is involved in so much doubt that I think the findings contained in the report of the commission are sound, or at any rate suggest a wise and prudent policy; that the President was justified, based upon this report and general information, to ask that a reprieve be granted, not that the man be given his freedom, but that he be given an opportunity by a new trial to demonstrate, with or without the testimony of Oxman, his innocence or his guilt.

Mr. CUMMINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Iowa?

Mr. PHELAN. I yield.

Mr. CUMMINS. There is one point I do not clearly understand. The Senator from California has just stated that the President requested the governor of California to secure a new trial. Does the governor of California, under the constitution of the State, have the power to grant new trials?

Mr. PHELAN. The governor of California, under the constitution, has no such power, but by granting a reprieve, or, in the language of the report, "by postponing the execution of the sentence of Mooney by such reprieve," he could be tried upon other counts. He was tried upon one count, the killing of 1 individual; there were 10 killed. So he could be tried for substantially the same crime upon other counts, if a reprieve were granted.

Mr. CUMMINS. The request, then, by the President was for a reprieve or a commutation of sentence?

Mr. PHELAN. I have said that the request is not a matter of record, nor have I seen the language which the President used. Suffice it to say that the President made a request of the governor, but the governor has not yet seen fit to publish the request of the President. It is a matter of general information and not of record.

Mr. CUMMINS. I rather gathered from the remarks of the Senator from California that the President had asked the governor of California to grant or to secure a new trial, and that seemed to me to be so out of harmony with the general powers of governors of the various Commonwealths that I was moved to ask the question which I did.

Mr. PHELAN. I trust the Senator understands now that the request probably was for a reprieve, in order that a retrial might be had on another count.

Mr. CUMMINS. I understand that the Senator from California does not know what the request was.

Mr. PHELAN. I have quoted the language of the report, and the presumption is that the President followed the recommendation of the report. I think that that is a very safe presumption.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Minnesota?

Mr. PHELAN. I yield.

Mr. NELSON. If I understood correctly the statement of the Senator a moment ago, it was that Mooney could be tried upon other counts in the indictment. If the defendant was tried upon an indictment containing several counts and was

found guilty on only one count, it amounted to an acquittal on all the other counts, he can not possibly be tried again in any court of the land.

Mr. PHELAN. I submit that that is a question of law, and the lawyers advise that a trial can be had under other courts without putting the culprit again in jeopardy. I understand that a man accused of a capital crime can not be put twice in jeopardy for the same offense, but it is a matter of legal construction that a trial on a separate count charging the murder of another individual is not construed to mean putting the defendant twice in jeopardy for the same crime.

Mr. President, the fate of Mooney is a matter of indifference, because he is known to be a dynamiter; but the United States is very jealous of its laws, and, no matter how despicable a man may be, he can not be condemned for a specific crime unless he is guilty. Even in labor circles, I am informed, there is no sympathy whatever for Mooney the man, whom they regard, in common with others, as a very dangerous citizen on account of his previous record which is well understood; but labor has become unduly exercised about this case because of local conditions which, if known to you, would be very illuminating. In San Francisco, it was alleged by the labor-union organizations, which are very strong, that the merchants had organized for the purpose of destroying their unions and making the town one of the "open shop." The resulting bitterness and antagonism was very great, so that when Mooney, who was for 16 years a member of the molders' union, was accused of this crime, the labor unionists took the ground that he was to be made a victim, because of his labor unionism, and was to be punished to satisfy the vindictive spite of another class of citizens. Nothing was further from the truth. I believe that Mooney and his associates were victims of their own cupidity, and that they had been bribed by German money as a part of the German propaganda to perpetrate this crime, and prevent us from preparing for war. I think the evidence introduced yesterday in the address of the Senator from Washington very clearly showed that this widespread propaganda reached even the shores of the Pacific coast. It was universal in its activity, and there is going on in California now the celebrated trial of the Hindus, accused of conspiracy to overthrow the English Government in India. In the evidence there adduced it appears clearly that the German consul in San Francisco, Mr. Bopp, was the head and center of the activities of the German propaganda on the Pacific coast.

I regret very much, in common, I am sure, with all Senators, that the labor interests of the country should have a misconception of this case and the causes that led up to the accusation and condemnation of Mooney. The President, however, has advised the governor to silence all doubts. I have just seen a copy of his letter, which I beg to submit in order to complete the record, and if it serves to vindicate the law and establish in the minds and hearts of men a greater love for our institutions and respect for the courts, it shall have served a greater purpose than the mere punishment of an isolated criminal:

THE WHITE HOUSE,
Washington, January 22, 1918.

HON. WILLIAM D. STEPHENS,
Governor, Sacramento, Cal.

MY DEAR GOV. STEPHENS: Will you permit a suggestion from me in these troubled times which perhaps justify what I should feel hardly justifiable in other circumstances?

The suggestion is this: Would it not be possible to postpone the execution of the sentence of Mooney until he can be tried upon one of the other indictments against him, in order to give full weight and consideration to the important changes which I understand to have taken place in the evidence against him?

I urge this very respectfully, indeed, but very earnestly, because the case has assumed international importance and I feel free to make the suggestion because I am sure that you are as anxious as anyone can be to have no doubt or occasion of criticism of any sort attach itself to the case.

With the very best wishes for the New Year,
Cordially and sincerely, yours,

WOODROW WILSON.

Mr. POMERENE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Ohio?

Mr. PHELAN. I yield.

Mr. POMERENE. As I read the remarks of the Senator from Washington, made yesterday, he expressed the view that the record, independent of the testimony of the witness Oxman, showed the guilt of the accused beyond the existence of a reasonable doubt. Has the Senator from California examined that record to such an extent as to justify his expressing an opinion

as to whether the record showed the guilt of the defendant independent of the testimony of Oxman?

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Connecticut?

Mr. BRANDEGEE. I do not ask the Senator to yield. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BRANDEGEE. What is the issue before the Senate at present?

The PRESIDENT pro tempore. The regular order of business is the presentation of petitions and memorials.

Mr. BRANDEGEE. I demand the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The presentation of petitions and memorials is in order.

Mr. PHELAN. It is not in order, then, for me to answer the Senator from Ohio?

The PRESIDENT pro tempore. Nothing is in order at this time except the presentation of petitions and memorials.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4416) to make April 6 in each year a national holiday, to be called "Liberty Day"; to the Committee on the Judiciary.

By Mr. FERNALD:

A bill (S. 4417) granting an increase of pension to John T. Garnett (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 4418) granting a pension to David M. Thompson (with accompanying papers); and

A bill (S. 4419) granting an increase of pension to Joseph T. Lewis; to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 4420) granting an increase of pension to Jacob August;

A bill (S. 4421) granting an increase of pension to William L. Huffington; and

A bill (S. 4422) granting an increase of pension to William H. Blake; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4423) relating to the deposit of copyrighted books upon medical and allied subjects; to the Committee on the Library.

A bill (S. 4424) making it a crime to break or enter into, or attempt to break or enter into, a house or building occupied by a national banking association with intent to commit larceny or other crime therein, and providing punishment therefor; to the Committee on Banking and Currency.

By Mr. PAGE:

A bill (S. 4425) granting an increase of pension to John M. Safford (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 4426) to amend and reenact sections 5235 and 5236 of the Revised Statutes of the United States by providing for a guaranty fund for payment of certain deposits, and for other purposes; to the Committee on Banking and Currency.

By Mr. FLETCHER:

A bill (S. 4427) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes; to the Committee on Commerce.

By Mr. OWEN:

A joint resolution (S. J. Res. 150) requesting the President to invite the entente allies to declare the rules of international law and require the German Government to accept such rules under penalty of progressive international boycott, etc.; to the Committee on Foreign Relations.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. POINDEXTER submitted an amendment proposing to appropriate \$300,000 for the purchase of additional land adjoining the navy yard at Puget Sound, Wash., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

FUNERAL EXPENSES OF THE LATE SENATOR BROUSSARD.

Mr. RANDELL submitted the following resolution (S. Res. 230), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses

incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. ROBERT F. BROUSSARD, late a Senator from the State of Louisiana, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

EXTENSION OF SPUR TRACK IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER (Mr. GALLINGER in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3476) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the field medical supply depot of the Army, which was, on page 2, line 3, after the word "Army," to insert "for the period preceding the declaration of peace and 30 days thereafter."

Mr. CHAMBERLAIN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 9784. An act incorporating patrol drivers into the Metropolitan police department of the District of Columbia;

H. R. 10891. An act to amend and reenact an act for the establishment of a probation system for the District of Columbia; and

H. R. 11231. An act to regulate the hours of duty of the officers and members of the fire department of the District of Columbia.

The PRESIDENT pro tempore. If there be no further morning business, the morning business is closed.

TRIAL BY COURT-MARTIAL.

Mr. BRANDEGEE. Mr. President, before the morning business is closed I believe resolutions coming over from a previous day are the next in order.

The PRESIDENT pro tempore. A resolution coming over from a previous day may be called up, so the Senate has decided.

Mr. BRANDEGEE. Yes. I call up two resolutions that I offered yesterday, which went over at my request, without prejudice, until to-day.

The PRESIDENT pro tempore. To which resolutions does the Senator refer?

Mr. BRANDEGEE. Senate resolution No. 228 and Senate resolution No. 229.

The PRESIDENT pro tempore. The Secretary will state Senate resolution No. 228.

The Secretary read Senate resolution 228, submitted by Mr. BRANDEGEE on April 22, 1918, as follows:

Whereas there is pending before the Senate Committee on Military Affairs a bill (S. 4364) "to subject to trial by court-martial persons who endanger the good discipline, order, movements, health, safety, or successful operations of the land or naval forces of the United States by acting as spies in time of war in the United States, and for other purposes": Now, therefore, be it

Resolved, That the Committee on the Judiciary be, and is hereby, instructed to report to the Senate whether or not, in its opinion, any of the provisions of said bill are in violation of any provision of the Constitution of the United States.

Mr. BRANDEGEE. Mr. President, the chairman of the Committee on Military Affairs [Mr. CHAMBERLAIN] requested me to send for him if this resolution came up this morning, and I have done so. Of course, no action will be taken on it until he comes into the Senate; but pending his arrival I will consume the time in making a few brief remarks.

Mr. McKELLAR. I have sent for the Senator from Oregon.

Mr. SWANSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Virginia?

Mr. BRANDEGEE. With pleasure.

Mr. SWANSON. Does the Senator know how long it will take to dispose of this measure?

Mr. BRANDEGEE. I think about three minutes, so far as I know. I do not want to dispose of it until the Senator from Oregon arrives. I assume it will take him about three minutes to walk across the hall from his committee room.

Mr. SWANSON. The Senator from Oregon is here.

Mr. CHAMBERLAIN entered the Chamber.

Mr. BRANDEGEE. The Senator is now on the floor.

Mr. President, when I offered this resolution yesterday, as I stated at the time, it was because I feared that the Committee on Military Affairs might be seriously considering a favorable report upon it, and I thought that it presented such a departure from the fundamental principles of our Constitution and Government that it would be well, as a precautionary measure, to have the judgment of the law committee of the Senate upon the constitutionality of the measure. It may be that I presumed too much in thinking that the Senate would care for the opin-

ion of their law committee. However, be that as it may, I have seen in the public prints, since the introduction of the resolution, the statement that the President is opposed to the measure; and I have seen in the morning paper that the chairman of the Senate Committee on Military Affairs is reported to have stated that he did not care to press it under those circumstances. Of course, if he has no serious intention of pressing his bill, I do not care to subject the Judiciary Committee to the process of investigating and reporting upon its constitutionality. So I ask the Senator from Oregon if he cares to make any statement as to his intention. If he is not going to press the bill I will withdraw the resolution, because my purpose has been accomplished. If he intends to press the bill, I intend to press the resolution. I have no right to cross-examine the Senator, of course, but I ask him if he cares to make any statement that would enlighten me in the premises?

Mr. CHAMBERLAIN. Mr. President, it would seem to be a work of supererogation to undertake to press a bill when the Chief Executive opposes it, in view of the situation here. The time of the Senate, the time of Congress, is too valuable to waste in useless discussion; and I feel that if the bill passed Congress it would pass by a very small majority, if it passed at all, and a veto by the Chief Executive would, of course, defeat the measure. I will say frankly to the Senator that notwithstanding the opposition of the Chief Executive, if I thought that this bill could go through by a substantial majority and could be carried over a veto, I would not hesitate to press it, because I really feel that it is absolutely necessary.

What the feeling of the committee is, I do not know. The Senator was there at the only discussion we had, and he could see the temper of the members of the committee who were present; and before I would say that it would not be pressed I should want to have the benefit of the advice of my fellow members of the committee. I have no right to say that it will not be pressed; so that I think the Senator had better press his resolution, and see what the result will be.

Mr. NELSON. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. Does the Senator from Connecticut yield to the Senator from Minnesota?

Mr. BRANDEGEE. I yield to the Senator from Minnesota with pleasure.

Mr. NELSON. Mr. President, I think this is an unusual proceeding, and we ought not to embark upon it. What is involved in this matter is that the Judiciary Committee must pass upon the constitutionality of bills pending before another committee. I think that would be a most irregular practice. If we can insist upon having it done in one case, we can insist upon having it done in another. If the Judiciary Committee or some of its members should take it into their heads that a bill pending before the Committee on Appropriations or before the Naval Affairs Committee is unconstitutional, they could investigate it under the practice sought to be inaugurated. I think the legitimate practice in this case is to have the Committee on Military Affairs discharged from the further consideration of the bill, and refer it to the Judiciary Committee. That would bring the bill properly before the Judiciary Committee.

I can not say that I disagree with the Senator from Connecticut about the principle involved in this bill, but I protest that it is an unusual practice to have the Judiciary Committee pronounce upon the constitutionality of a bill pending before another committee and in the hands of that committee. So I say that the proper procedure in this case is to move to discharge the Committee on Military Affairs from the consideration of the bill, and have it referred to the Judiciary Committee. I would vote for such a motion but not for this motion.

Mr. BRANDEGEE. Mr. President, I appreciate thoroughly the position of the Senator from Minnesota, and I stated so yesterday. I think his suggestion is the more logical of the two. I stated yesterday that I only refrained from moving to discharge the Committee on Military Affairs from the further consideration of this measure and moving its reference to the Judiciary Committee, where it properly belongs, out of my high regard and respect for the Senator from Oregon.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. I do.

Mr. NORRIS. I agree with the Senator about the importance of the question involved, but I should like to make this suggestion to the Senator from Connecticut: Does he not think that he ought to withhold his resolution until the Committee on Military Affairs has acted on this bill?

It seems to me that the Senator from Minnesota is right, that we would be embarking on a procedure that would lead to endless confusion if we should adopt the suggestion of the Senator from Connecticut at this time. It may be that the committee will never consider the bill further, and never report it, or it may report the bill adversely. It seems to me, with all due respect to the Senator from Connecticut, that he ought to wait with his resolution at least until the Committee on Military Affairs has acted, and then not press the resolution unless the committee has made a favorable report and the bill is put on the calendar. Does not the Senator think that that would be a better proceeding?

Mr. BRANDEGEE. That was suggested to me yesterday, and I can not agree with the Senator that I think it would be a better proceeding. The Judiciary Committee of the Senate is the law committee of the Senate. It is composed of 18 lawyers of the Senate. Without disparagement to any lawyer on the Committee on Military Affairs, there are only a few of them there. They are just as good lawyers as those on the Judiciary Committee. I do not attempt to disparage them at all. The Senator from California [Mr. JOHNSON] and the Senator from Colorado [Mr. THOMAS] and the Senator from Tennessee [Mr. MCKELLAR] are three of the most eminent lawyers in this country; yet, as I told the Senate yesterday, I attended a meeting of that committee, and while I hesitated yesterday to be "telling tales out of school," and I do not want to violate the confidence that the committee reposed in me, and I do not intend to do so, certain prominent members of that committee even after they had heard read to them the case of *Ex parte Milligan*, which is the leading case upon this subject, stoutly maintained that this bill was constitutional. I thought, inasmuch as this bill proposes to transfer the trial of 100,000,000 American civilian citizens from the civil courts to the drumhead court-martial, and the Committee on Military Affairs, or some of its most prominent members, were seriously considering it, it would not be taken to be an inopportune time nor an insult nor a reflection upon anybody if the Senate took the advice of its own law committee as to whether or not the bill was constitutional.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. BRANDEGEE. I yield.

Mr. SWANSON. The Senate took an adjournment yesterday until 11 o'clock this morning in the hope that we could dispose of the housing bill. Would the Senator object to having his resolution go over without prejudice to the next morning hour?

Mr. BRANDEGEE. I think we can dispose of this matter in five minutes, and I should like to get it out of the way.

Mr. President and Senators, I do not care to press this resolution at all. If I had known, when I offered it, that the President of the United States was going to take the same view that I did upon this question I would not have offered it at all. The bill is dead. Everybody knows that. The committee will never report it. Perhaps some of the very Members who were strenuously in favor of it on Saturday will now turn around and oppose it, having heard "their master's voice." I certainly should oppose it to the death. I would die in my tracks, I would resign from the Senate, or be defeated on the issue, before I would vote to subject the civilian population of America to the yoke of the Army for speaking disrespectfully of the administration, or committing some one of the heinous offenses that we have defined in the espionage bill, and so forth; but I regard the danger as being over and now I withdraw the resolution.

The PRESIDENT pro tempore. The Senator from Connecticut withdraws his resolution.

WAR AGAINST BULGARIA AND TURKEY.

Mr. BRANDEGEE. I now call up the next resolution that I offered, being Senate resolution 229.

The PRESIDENT pro tempore. The Secretary will state the resolution.

The Secretary read Senate resolution 229, submitted by Mr. BRANDEGEE on April 22, 1918, as follows:

Whereas S. J. Res. 145, to declare a state of war between the United States of America and the Governments of Bulgaria and of Turkey, was referred to the Committee on Foreign Relations on April 2, 1918: Now, therefore, be it

Resolved, That the Senate Committee on Foreign Relations is requested to give said resolution its early consideration and report thereon to the Senate.

Mr. BRANDEGEE. Mr. President, I want to speak about one minute on this resolution.

We are at war with Germany. Germany has as her allies, bound to her and dominated by her, Austria-Hungary, Turkey, and Bulgaria. We loitered along for about a year before we dared declare war on Austria. We finally did it. To-day the

Bulgarian troops are right out on the western front fighting the English, French, and American troops. The Bulgarian minister sits here in Washington, persona grata to the State Department. The other day I received a newspaper article from him—as I thought, in gross breach of diplomatic etiquette—with his visiting card pinned to it, telling how Czar Ferdinand saw no reason to have any unfriendly feeling toward America; yet his troops are in the front line fighting our boys. I think it is an outrage that this country should tolerate such a condition. Here is Turkey, slaughtering our men and slaughtering Armenians by the millions, devastating the Orient, and yet the representatives of Bulgaria and Turkey—the right and left hands of the German beast against which we are waging war—are persona grata here to our State Department, and we are conducting friendly diplomatic relations with them. I say it is not only anomalous, but it is outrageous, and will be extremely embarrassing and dangerous if this situation is kept up.

Mr. POMERENE. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Ohio.

Mr. POMERENE. I was attracted by the statement made by the Senator from Connecticut to the effect that the Bulgarians were now on the western front. I have no personal knowledge upon that subject; but only within two or three days a Bulgarian missionary, formerly a resident of the State of Ohio, was in my office and stated to me that the Bulgarians were not on the western front, and that they had refused to go to the western front or to participate in the fighting on the western front because of their friendly feeling toward the United States.

I simply make that statement for what it is worth. I know nothing about the facts.

Mr. BRANDEGEE. Mr. President, of course I have not been across the line and seen them there. I have read in the newspapers that they did have regiments on the western front. As to their "friendly feeling" toward the United States, if they want to display that in a really practical way they had better get out of the German Army and stop fighting the French and English, who are our allies. That is all camouflage, Mr. President. We may as well look right through this thing, down to the bottom of it. Bulgaria can not be friendly to the United States and friendly to Germany at the same time; that is all there is to it. They are absolutely under the cloven hoof of Germany. They are not free agents. They are dominated by Germany. Their life and death depends upon the favor with which the Kaiser looks upon Czar Ferdinand, and it is a travesty and a tragedy for us to be declaring war against one of several allied powers who are waging joint war against us and maintaining friendly relations with the others.

I do not want to instruct the Foreign Relations Committee. I am a member of it myself. I am going to withdraw this resolution. I simply introduced it for the purpose of calling the attention of the country to the fact that we ought to be in this war to win the war and not to attempt to incite Czechs or Bolsheviks to revolution in the countries of our enemies. Thirteen-inch guns and American troops and vessels will win this war. We can not win it by attempting to incite riots within the lines of our enemies.

Mr. NORRIS. Mr. President.

Mr. BRANDEGEE. I yield to the Senator from Nebraska.

Mr. NORRIS. Did the Senator say he intended to withdraw the resolution?

Mr. BRANDEGEE. Yes.

Mr. NORRIS. I hope the Senator will not do that. It seems to me that the resolution is couched in the most respectful terms possible, and the committee can not be offended if it is passed, and it ought to be passed. If there is any reason why it should not take the action suggested, the committee is able to find it and we ought to know it.

Mr. BRANDEGEE. Then, I will not withdraw the resolution. I will let the Senate act on it. It is a resolution simply requesting the Foreign Relations Committee to give early consideration to the resolution that the Senator from Utah [Mr. KING] introduced April 2 to declare war upon our enemies, Bulgaria and Turkey, and to report upon it. We did give consideration to it. The only reason I dislike to press the resolution is that, being a member of the committee myself, it might be asked, Why did you not press it in committee? I am going to press it. I think the sentiment of the American people is in favor of the resolution, and I thought if I said a few words in the Senate it might induce the committee to give it earlier and more favorable consideration than though I said it in the privacy of the committee.

As I said, the committee did consider this question. I think the sentiment of the committee was in favor of the resolution of the Senator from Utah [Mr. KING]. I am not at liberty to

talk publicly and entirely freely about it, but I think I can say, without violating confidence or furnishing information to the enemy, that the State Department thought, in view of certain views of its own, it was best not to act upon it at that time. So we deferred action. I think we have deferred action long enough.

Mr. KNOX. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Pennsylvania?

Mr. BRANDEGEE. I do.

Mr. KNOX. Is it not a matter of public record that the President in his address to the joint Houses of Congress dissuaded from—

Mr. OVERMAN. Mr. President, we can not hear on this side. The PRESIDENT pro tempore. The Senate will preserve order.

Mr. KNOX. The Senator from Connecticut manifested some indisposition toward stating why the Committee on Foreign Relations had not passed upon this resolution at the time it was presented and considered, on the ground that he did not care to disclose the action of the committee. I was asking him if it is not a fact and does not that fact appear of record that the President in his address to Congress at the time of the declaration of war upon Austria said that, while logically Turkey and Bulgaria should be included, yet there were reasons at that time why it was not thought desirable. Is not that correct?

Mr. BRANDEGEE. I think that is correct, Mr. President, and it supplements what I said, and what I said is still true, notwithstanding that even after the matter came before the committee, after the President had made his address to Congress, after the Senator from Utah had sent his resolution to the committee, similar advice came from the State Department. I may go that far, I think, without violating confidence.

Mr. NORRIS. I should like to suggest to the Senator I do not see any reason myself, but there may be; the President or the State Department may know about it, but if there is any reason why a resolution declaring war against Bulgaria and Turkey should not be passed, the committee will be able to ascertain it, I take it, without any difficulty, and it can act accordingly and should act accordingly. If there is sufficient reason why the step should not be taken, it will be very easy to ascertain it, but we are now in an illogical position at present unless there is some sufficient reason for it.

Mr. BRANDEGEE. I am not of an unduly optimistic nature, but I have been hoping that the Committee on Foreign Relations of this Senate, which represents half of the treaty-making power of this country, and which the great American public assumes has some knowledge of foreign relations and what is going on, might get some information about what is going on abroad. Yet the Senate Committee on Foreign Relations knows no more about what is going on abroad than the Committee on Military Affairs or the Committee on Agriculture. The President is his own Foreign Relations Committee, and his own Secretary of State, and he is conducting this war in behalf of 100,000,000 people, weaving himself into a cocoon of mystery, secrecy, and silence in the top floor of the White House, and nobody but Col. House tiptoes up and down stairs, and then silently folds his tent and steals away back to New York. The Senate of the United States is in as dense ignorance about our foreign relations as the Common Council of Keokuk.

It is not right, Mr. President. Talk about taking common counsel! Talk about demanding legislative powers to coordinate the departments of this Government! The trouble is the President will not coordinate with anybody but himself. That is the trouble. The trouble is not with Congress. My God, we have gone miles further than any Congress ever dreamed of going to furnish equipment for this administration, to wage this war which we declared a year ago, and which the President has never spoken of since without holding out in his left hand a bid for some kind of a peace.

What we want are 13-inch guns and men and a realization that this country is in this war to fight and not to conduct a Bolshevik Chautauqua circuit tea party, to drivel and snivel about humanity. You are up against Von Hindenburg. There is but one thing to talk to that man and that is power, and we have dawdled and talked for a year, mismanaging our air fleet, mismanaging our shipbuilding, mismanaging our machine guns, delaying and hoping that poor France and England would win this war for us while we elevated ourselves to the position of prince of peace and general agent of humanity. It is time we got down to a realization of this thing, Mr. President.

Now, I want to declare war against Bulgaria and Turkey. I have introduced this resolution asking the Senate Committee on Foreign Relations to give early consideration to the resolu-

tion that the Senator from Utah introduced. I do not think it is disrespectful to ask that, and I have asked for a report. I want them to report one way or another and not pigeonhole it. If we ought not to declare war against Turkey and Bulgaria let us say that we decline to declare war against them. If we ought to declare war against the powers that are fighting us and our allies, let us declare war against them. Let us come out in the open and be frank and manly about this thing, and courageous—not sneak around under a lot of camouflage and enshroud ourselves in mystery and secrecy.

I ask for a vote on the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. SWANSON. Mr. President, I think this is an ill time to pass the resolution. The Senator from Connecticut is a member of the Foreign Relations Committee. He can bring it up in the committee at any time it has a meeting. Any request on his part to have a meeting, I am sure, will be heeded. He can bring it up at any time and present the facts. In introducing the resolution when the relations with Bulgaria and Turkey are now very strained, difficulties might arise between those countries at any time, and to go into this matter hurriedly without consideration and force a report upon it is ill advised. The Senator can let the resolution go over without prejudice and bring it up at any other time. I do not know that he has ever made any motion in the Foreign Relations Committee to take it up for consideration. I can not recall that he has ever done so. He is a member of the committee and at any time when there is a meeting he can bring it up for consideration and disposition. I see no occasion for the Senate to instruct the Foreign Relations Committee at this time. I hope the Senator will follow his original judgment and let the matter go over.

The Senator talks about waging this war. The Senate adjourned yesterday until 11 o'clock to-day, instead of taking a recess, to consider a war measure. Here an hour and fifteen minutes have been consumed when the Army, the Navy, and the President, and everybody who has investigated says you can not wage this war without munitions, and you can not get munitions unless you get workmen, and you can not get workmen unless you get places to house them. I have here and have had for the last two weeks nearly a confidential report showing the condition at munition plants, navy yards, in the construction of naval vessels, saying that it is utterly impossible to conduct them unless housing is furnished. Yet for two weeks I have not been able to get consideration and passage of the bill. I can not get it passed to-day if we pass beyond the hour of 1 o'clock. I hope the Senator will let his resolution go over and give me an opportunity to take up the housing bill. The Senate adjourned yesterday and met at 11 o'clock to-day in order to dispose of it.

Mr. BRANDEGEE. If the Senator had stopped talking, the resolution would have been out of the way by this time. I am not opposing his housing bill or any other war measure. I vote for all of them.

Mr. SWANSON. They can not be disposed of until an opportunity is given to vote on them.

Mr. BRANDEGEE. Of course not, and this resolution can not be disposed of until an opportunity is given to vote on it. If the Senator will take his seat and let us vote on the resolution, whether the vote is yes or no—I do not care which way—vote it up or vote it down.

Mr. SWANSON. I understood the Senator first said he would not press it.

Mr. BRANDEGEE. I did.

Mr. SWANSON. Secondly he said he would, and all I ask the Senator to do in an important matter like this is not to force this discussion at this time, when the Senate really assigned the time to the consideration of a war measure to wage the present war. You can not get ammunition; you can not build destroyers; you can not construct the things necessary for the war without workmen.

Mr. BRANDEGEE. The Senator is again defeating the consideration of his own measure by his oratory.

Mr. SWANSON. The Senator has talked, I do not know how long.

Mr. BRANDEGEE. Not over 10 minutes.

Mr. SWANSON. The Senator does not know how to reckon time when he is talking. The clock runs slowly when the Senator talks. All I ask, as this is an important question, is that we should not force the committee to report on it unless it thought it was wise. The Senator is a member of the committee. Let it go over without prejudice.

Mr. BRANDEGEE. The resolution does not force the committee. It is a respectful request. The language is "that the Senate Committee on Foreign Relations is hereby requested to give early consideration"—

Mr. SWANSON. Has the Senator ever made a motion in the committee for the consideration of the resolution?

Mr. BRANDEGEE. It was taken up once and laid aside.

Mr. SWANSON. When? I do not remember. I was not present.

Mr. BRANDEGEE. If the Senator was not there, I was there, and I can refresh his recollection.

Mr. SWANSON. I insist that the matter should come up in the committee. The Senator is a member of the committee.

Mr. BRANDEGEE. I insist upon it here and now.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. SMITH of Arizona. Mr. President, I should like, being detained from the Senate, to know what the resolution of the Senator is.

Mr. BRANDEGEE. I will read the resolution to the Senator.

Resolved, That the Senate Committee on Foreign Relations is requested to give said resolution—

The King resolution, declaring war on Turkey and Bulgaria—its early consideration and report thereon to the Senate.

It seems to be a comparatively harmless resolution.

Mr. SMITH of Arizona. I should like to ask the Senator, repeating somewhat what the Senator from Virginia [Mr. SWANSON] said, a question. I likewise am a member of the committee which depends very largely or much upon what it does to the good judgment and clear sense of the Senator himself who introduced the resolution. It seems to me that it is more or less an insinuation that the committee is not inclined—

Mr. BRANDEGEE. I withdraw any insinuating purpose in it, if the Senator finds that between the lines.

Mr. SMITH of Arizona. Still the question remains, Why does the Senator press it?—I ask in all respect.

Mr. BRANDEGEE. I do it in order to bring the matter to the attention of the Foreign Relations Committee. I think if they felt that the sense of the Senate is that war ought to be declared it might hasten their action a bit. I do not want to offend the Senator.

Mr. SMITH of Arizona. You are not offending me in the least.

Mr. BRANDEGEE. The Senator thought there was some insinuation against the committee.

Mr. SMITH of Arizona. Against the committee itself, of which the Senator is a member. I would protect the Senator from an insinuation against himself in bringing it before the Senate and giving it publicity here rather than before the committee.

Mr. BRANDEGEE. I want both. I think the sentiment of this country demands war against Turkey and Bulgaria, but I do not think it is hostile or insinuating or a reflection upon the committee who have not taken action upon the resolution. We have now been at war three weeks since it was introduced and to request it to be kind enough to give it very early consideration and report one way or the other—

Mr. SMITH of Arizona. The Senator knows that on notice to the chairman of the committee—

Mr. BRANDEGEE. I do not know who the chairman is.

Mr. SMITH of Arizona. There is the trouble. The matter could be brought before the committee. If the committee goes against the wishes of the Senate, it is subject to the rebuke of the Senate on a vote of the Senate.

Mr. BRANDEGEE. It is not a rebuke.

Mr. SMITH of Arizona. Whether it is a rebuke or not, leaving that question out, it seems to me in the regular order of things in a matter of this importance when we do not know how much Americans are exposed in Turkey without knowing what would be the result of this action on the part of the Senate it should be left with the committee.

Mr. BRANDEGEE. I do not think it could be considered to be hasty after a year of war.

Mr. SMITH of Arizona. There has not been a year of war between us and Turkey.

Mr. BRANDEGEE. No; but the Turks have been waging war against our allies and we have not been waging war against Turkey at all.

Mr. SMITH of Arizona. I do not suppose they have been waging war against our people in Turkey, and I understand there are a great number of Americans there.

Mr. BRANDEGEE. They have been at war with the British Army all through the Orient the best they could. Let the resolution be voted upon. The Senator can vote against the resolution.

Mr. SMITH of Arizona. I do not wish to be put in that attitude. There is where the Senator, it seems to me, is taking an unintentional advantage.

Mr. BRANDEGEE. I do not want to take any advantage of the Senator. All the Senator has to do is to vote against the resolution.

Mr. SMITH of Arizona. I understand I can vote against it, and all the Senator has to do is to introduce it and ask for a vote, no matter what is said, no matter how far it was from ordinary proceedings on this floor.

Mr. BRANDEGEE. I ask for a vote on it. I do not know whether I shall get one or not. I admit the Senator's right to vote against it, and I think the Senator must concede my right to vote in favor of it.

Mr. SMITH of Arizona. But I do not think the Senator has a right, being a member of the committee, to force a vote upon me or upon anybody else. A great deal more may be entering into the question than the resolution itself conveys.

Mr. BRANDEGEE. I know something about the question, though I did not get my information from the State Department.

Mr. SMITH of Arizona. Unfortunately, the Senator did not bring it before the proper committee.

Mr. BRANDEGEE. I shall bring it before the committee even if this resolution does not pass.

Mr. THOMAS. Mr. President, I presume it is the purpose of the Senator from Connecticut to press the resolution to a vote.

Mr. BRANDEGEE. I should like to have a vote on it.

Mr. THOMAS. Then I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	Nugent	Sterling
Baird	Hollis	Overman	Sutherland
Bankhead	Johnson, Cal.	Owen	Swanson
Borah	Jon. s. v. Alex.	Page	Thomas
Brandegee	Jones, Wash.	Phelan	Thompson
Candler	Kellogg	Pittman	Tillman
Chamberlain	King	Poinexter	Townsend
Culberson	Kirby	Pomerene	Trammell
Cummins	Knox	Saulsbury	Vardaman
Curtis	Lenroot	Shafroth	Wadsworth
Dillingham	McLean	Sheppard	Walsh
Fall	McNary	Sherman	Watson
France	Martin	Shields	Williams
Frelinghuysen	Neison	Smith, Ariz.	Welcott
Gallinger	New	Smith Ga.	
Harding	Norris	Smoot	

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. There is a quorum present.

Mr. BORAH. Mr. President, may I ask for the reading of the resolution upon which we are about to vote?

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read (S. Res. 229) as follows:

Whereas S. J. Res. 145, to declare a state of war between the United States of America and the Governments of Bulgaria and of Turkey, was referred to the Committee on Foreign Relations on April 2, 1918: Now, therefore, be it

Resolved, That the Senate Committee on Foreign Relations is requested to give said resolution its early consideration and report thereon to the Senate.

Mr. BORAH. Mr. President, as a member of the Foreign Relations Committee, I am ready to vote to report out this joint resolution at any time, and to report it for favorable action by this body. I have, however, some hesitancy in voting for the pending resolution, due to the fact that the joint resolution to which it refers has never been called up in the committee to my knowledge. But in voting against this resolution I do not wish it to be understood that I am opposed to a speedy report upon the joint resolution and in favor of it being passed by this body.

Mr. SWANSON and Mr. THOMAS called for the yeas and nays, and they were ordered.

Mr. SMITH of Georgia. Mr. President, I shall vote against this resolution, because I am not sure that the time has come when we ought to decide upon the question of war upon Bulgaria and Turkey. If the Committee on Foreign Relations were ready to report and should report, and this were the time to pass upon the question, I should prefer that they should judge even that problem before action is had. It may be that I shall be ready when the committee reports to vote for war with Bulgaria and Turkey; but now I do not know, and I prefer to leave the matter with the Committee on Foreign Relations to bring it to us in the ordinary way.

Mr. SMITH of Arizona. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Arizona will state it.

Mr. SMITH of Arizona. I have my doubts as to whether or not a motion would be in order to refer this resolution of

instruction to the committee; but if it is in order I move to refer the resolution to the Committee on Foreign Relations.

Mr. BRANDEGEE. I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Connecticut will state it.

Mr. BRANDEGEE. I make the point of order that the yeas and nays having already been ordered upon the resolution, it is too late to make a motion or to do anything other than to call the roll.

Mr. SMITH of Georgia. Mr. President—

Mr. SWANSON. Once, when I was presiding, I ruled on that question, and the Senator from Connecticut spoke very eloquently against the ruling, and the Senate overruled it.

Mr. SMITH of Georgia. We succeeded in overruling the decision of the Chair, and I am sure we were right. If the Senator from Connecticut will merely reflect a moment, he will remember that he and I both joined vigorously in the attack upon the ruling by the Chair. The Vice President was in the chair, and we overruled him on it.

Mr. BRANDEGEE. I have reflected vigorously, but I do not remember the incident.

Mr. SMITH of Georgia. I can cite the incident.

The PRESIDENT pro tempore. Does the Senator from Arizona withdraw his motion?

Mr. SMITH of Arizona. I withdraw the motion.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. SHAFROTH. Mr. President, I desire to say, it seems to me, that if there was ever a time in the history of this Government when we ought to be united upon all matters, when there should be absolutely no division, it is now. There may be the most potent reasons why the committee has not reported the joint resolution relative to a declaration of war between the United States and the Governments of Bulgaria and Turkey. The President indicated in his address that, in his judgment, the time was not ripe for such a declaration of war. He has information which we do not possess, and we might commit a most egregious blunder by precipitating even a discussion of the subject at this time. Let us trust our Commander in Chief. It seems to me that we ought not to pass the pending Senate resolution until at least it has been called up by the Committee on Foreign Relations and the matter thoroughly considered by them. For that reason I shall vote against the resolution of the Senator from Connecticut.

Mr. KNOX and Mr. BRANDEGEE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Pennsylvania first addressed the Chair, and is therefore recognized.

Mr. KNOX. Mr. President, it has become very obvious—and I think we all knew it even before it was drawn to our attention this morning—that the reason the United States has not declared that a state of war exists between the United States and Turkey and the United States and Bulgaria is because the President of the United States, when he addressed the Congress last December in relation to a declaration that a condition of war existed with Austria, pointed out that, while it was logical that the same declaration should be made in respect to Turkey and Bulgaria, there were reasons why it was not expedient at that time to make the declaration. There is not any question about the action of the Committee on Foreign Relations having been suspended by reason of that fact, supplemented by additional information from the Department of State supporting more in detail that which the President had already indicated to both branches of Congress.

Now, it seems to me that a substitute can be offered to this resolution which will go directly to the point. If this resolution is passed, then the question will come before the Committee on Foreign Relations, which will take it up with the Department of State, and that department will take it up with the President. Filtered through those various channels, the matter will come back to the Senate. Then the Senate will have to act upon the information thus received. I am going to ask the Senator from Connecticut [Mr. BRANDEGEE] if he will not accept this as a substitute for his resolution:

Resolved, That the President is hereby requested, if not incompatible with the public interest, to inform the Senate if there now exists any reason why the United States should not declare that a state of war exists between the United States and Turkey and the United States and Bulgaria.

The President has already told us several months ago that at that time there were such reasons, but a declaration at that time was not expedient. It may be that it is expedient at this time; and, if so, and if the statement of the reasons is not incompatible with the public interest, the President will say so. If such statement should be incompatible with the public interest—and I can well imagine how such a thing could be—the

President will state that there are reasons why it is not wise for him to make such disclosure.

Mr. SWANSON. Mr. President, if the Senator from Pennsylvania will permit me, the Committee on Foreign Relations, to which the joint resolution has been referred, can see the President and secure all the information desired. The President can communicate more freely to them than he can in a public communication to Congress. I have never known the State Department or the President to refuse, upon proper inquiry from any member of the committee, a frank and full reply. It seems to me that, even before the pending resolution is passed, the proper thing would be for the Committee on Foreign Relations to confer with the Secretary of State or with the President, and ascertain the situation. I do not think the Senator will say that the President or the Secretary of State has ever failed to talk to him in the fullest, freest, and most complete way concerning any foreign affairs in regard to which he desired information. It seems to me if the Committee on Foreign Relations are desirous of considering the question, the Secretary of State will be very glad to appear, confer with them, and give to them such reasons and such information as he has fully and completely. It appears to me that the wise course to pursue is for the committee to handle this matter. The Senator from Connecticut says he brought the matter up once in committee. I can not recall any such occasion.

Mr. BRANDEGEE. I did not say I had brought it up; I said that the committee took it up.

Mr. SWANSON. I do not think the committee deserves that any reflection should be made upon it because no member of the committee has endeavored to bring this matter up, so far as I know—and I am a member of the committee and have been present at its meetings. In my opinion, to reflect on that committee as being derelict in the discharge of its duty and being recreant to the trust reposed in it is not proper treatment of the committee of which the Senator from Connecticut himself is a member.

If the Senator wants to bring the matter up, I have no doubt the chairman of the committee will call a meeting for that purpose, when the matter can be discussed and considered and full information obtained. I think that is the purpose for which the committee was created. I do not see wherein the committee has been derelict in its duty nor why it should be called upon to abdicate its functions. If the Senator from Connecticut consents to the substitution for the resolution proposed by the Senator from Pennsylvania, I would not consent, and as the yeas and nays have been ordered I do not think the Senator from Connecticut can have control of the resolution.

Mr. KNOX. Mr. President, the substitute I have offered for the resolution does not proceed upon the hypothesis that there has been any difficulty in getting from the State Department any information it had that it was willing to disclose, and it is usually willing to disclose information when it is not incompatible with the public interest that it be made public. The substitute resolution which I offer does not reflect at all upon the Committee on Foreign Relations. If the Senator from Virginia imagines that the Senator from Connecticut had offered a resolution that might be so construed, my proposed substitute was intended to obviate that. It is entirely proper practice; it has been done over and over again to supply the basis upon which the Senate desires to act to request from the President in this polite and respectful manner information in order that the Senate may act intelligently.

Mr. SWANSON. Mr. President, if the Senator will allow me—

Mr. KNOX. Mr. President, if the Senator from Virginia will excuse me just for one moment, I feel the weight constantly, and I am quite sure every Senator here feels the weight pressing upon him in a manner that is almost discouraging at times, that we do not know enough about the things upon which we are expected to act. The country, I can imagine, wonders, as the Senator from Connecticut said this morning, that with Bulgarian troops at or upon the line fighting with the Americans and the British and the French, why should we entertain here a minister from Bulgaria. Why should he have access to the Department of State and to the ear of the President? Why should he be received in the homes of American citizens to pick up the information that may be dropped at dinner tables and on other social occasions which may be of great value to his country's allies? Does anyone here imagine for one second that, with Bulgaria standing in the relation she does to the Kaiser to-day, such information is not going and going constantly? Why should we entertain a minister under such circumstances?

The people have a right to demand to know why we are doing it. If the reasons are overwhelming, we will continue

to do it; but if good reasons do not exist we should cease doing it, and that same state of war which we have declared to exist between Germany and the United States and Austria and the United States should be declared to exist between Bulgaria and Turkey and the United States, because in making such a declaration we would only be declaring the fact.

As I said a moment ago, I was satisfied at the time the President requested that the matter should be passed over that it was wise and expedient to take his judgment and pass over it. I would be satisfied if he were to come back to-morrow and say in response to this resolution that there are reasons, and grave reasons, why a state of war should not be declared to exist to take his judgment for it, but I say the time has come when to release ourselves from the responsibility which we have no right to bear any longer, we should have this information and have it direct, and in passing this resolution we should make no reflection whatever upon the Committee on Foreign Relations.

Mr. POMERENE, Mr. WILLIAMS, and Mr. BRANDEGEE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. KNOX. Mr. President, I have not yet yielded the floor.

Mr. BRANDEGEE. Will the Senator yield to me for a moment?

Mr. KNOX. Certainly.

Mr. BRANDEGEE. I do not need to disclaim again, I think, any intention of reflecting upon the committee of which I have the honor to be a member—the Committee on Foreign Relations. The last thought in my mind was to reflect upon it when I made a courteous request that it should give early consideration to the measure.

Mr. President, I think the substitute proposed by the Senator from Pennsylvania [Mr. Knox] is preferable to my own resolution. I introduced the resolution as expressing the best that I could think of to bring this matter to public attention. The Senator from Virginia [Mr. Swanson] berates me for having brought this matter here publicly, as he says. Why, my God, Mr. President, this is an era of open diplomacy—no more secret diplomacy, nothing is to be done in a dark corner.

Mr. GALLINGER. It is the era of pitiless publicity.

Mr. BRANDEGEE. Yes; pitiless publicity; democracy is the world issue now; and so I have not hesitated on the floor of the United States Senate to ask the Committee on Foreign Relations to please consider a resolution without thinking that I was insulting its members, myself among the number. So much for that.

I accept the substitute, if I may do so, prepared by the Senator from Pennsylvania, for I think it is wise to go to the fountainhead, and the sole fountainhead, of information on foreign relations, and to ask the President of the United States whether any reason now exists why we should not declare war upon the enemies of our friends.

Mr. BORAH. Mr. President, may I make a suggestion to the Senator?

Mr. BRANDEGEE. The Senator from Pennsylvania [Mr. Knox] has the floor. He yielded to me.

Mr. BORAH. I understand the Senator from Pennsylvania has not the floor, for he has taken his seat.

Mr. BRANDEGEE. If I can yield, I yield to the Senator.

The PRESIDENT pro tempore. The Chair thinks that Senators can not farm out the floor without reference to the Chair.

Mr. BRANDEGEE. I do not think so, either, Mr. President. I yield the floor.

The PRESIDENT pro tempore. The Chair has recognized the Senator from Ohio [Mr. POMERENE], thinking that he desired the floor at the conclusion of the remarks of the Senator from Pennsylvania [Mr. Knox]. If the Senator from Ohio now desires recognition, the Chair will renew that recognition and then will recognize other Senators.

Mr. POMERENE. Mr. President, I have been a good deal troubled in my own mind as to just what the attitude of this country should be with respect to Bulgaria and Turkey, particularly with respect to Bulgaria. The Senator from Pennsylvania a moment ago referred to the address of the President. I have that address before me, and this is what the President said:

The same logic would lead also to a declaration of war against Turkey and Bulgaria. They also are the tools of Germany, but they are mere tools and do not yet stand in the direct path of our necessary action. We shall go wherever the necessities of this war carry us, but it seems to me that we should go only where immediate and practical considerations lead us and not heed any others.

I do not think there was any real occasion for the presentation of the resolution offered by the Senator from Connecticut. I feel quite sure that if that matter had been brought up in the Committee on Foreign Relations it would have received full and considerate attention; but the Senator from Connecticut saw fit to present that resolution, and he was fully within his

rights when he did present it. I do not regard it as a reflection upon the committee. I do not regard it as a reflection upon any committee to have any Senator at any time present a request to the Senate with respect to matters which may be occupying the attention of the committee; but now the Senator from Pennsylvania offers a substitute, which, in substance, provides that the President shall be requested to, if not incompatible with the public interest, inform Congress whether there is or not any reason now why the Congress of the United States should not act upon this subject.

Mr. FALL. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New Mexico?

Mr. POMERENE. For a question.

Mr. FALL. I want to ask the Senator if he thinks that the Senate of the United States would be disrespectful, acting purely and particularly within its own constitutional sphere in the matter of a declaration of war, if it requested the information directly from the President and secured it from any other source, possibly, and acted independently of the Executive in the declaration of war, if it saw fit to make it?

Mr. POMERENE. I think perhaps the Senator's question has anticipated what I am going to say upon the subject. The President has already declared that in his opinion the time had not arrived when the Congress of the United States should act upon this subject. That was on December 4, 1917. Now, after a lapse of four months, the Senator from Pennsylvania presents the same question before the Senate, asking for information. It is not as if a new subject had been broached. The last public utterance by the President upon this question was on December 4, 1917, and at that time it was his view that no action should be taken. I see no impropriety, if the Senate sees proper, in asking the President now whether the situation has changed.

Mr. SHAFROTH. Mr. President, will the Senator yield to me for a question?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. POMERENE. I do.

Mr. SHAFROTH. Does not the Senator recognize that if the situation had changed so that the President thought that a declaration of war should be made, he would present the matter, just as he presented the matter as to a declaration of war against Austria?

Mr. POMERENE. Oh, Mr. President, of course that information can come from the President on his own initiative; but the fact that it may come on his own initiative is no reason why the Senate and the Congress may not be a little curious upon the subject.

Mr. SHAFROTH. That may be; but does not the Senator recognize that the complications of the situation are utterly unknown to us and are known to him?

Mr. POMERENE. Mr. President, if that be so, then the President can so advise us.

I simply rose to say that in my judgment the Senate could with perfect propriety adopt the resolution offered by the Senator from Pennsylvania.

Mr. SWANSON. Mr. President, in response to the Senator from Ohio I will state that the Senate has appointed an agency to examine as far as it can in confidence matters that can not be discussed in public, like the executive sessions of the Senate, to report upon delicate and intricate foreign matters. The Foreign Relations Committee has full power to consider the wisdom of declaring war against Bulgaria and Turkey. Up to this time no effort has been made in the committee to reach a conclusion on that question, the committee being controlled by the recommendation of the President at the time war was declared on Austria. I am not discussing the impropriety of the Senate controlling any of its agencies. I am discussing the wisdom of doing so.

Mr. WOLCOTT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Delaware?

Mr. SWANSON. I yield to the Senator.

Mr. WOLCOTT. I should like to ask the Senator from Virginia if the reason why the committee have made no effort to inform itself upon this question is because the members of the committee have some information which satisfies them individually which results in nonaction of the committee, or is it just because the committee have not paid any attention to it?

Mr. SWANSON. If I recall, when the question was before the committee as to whether Turkey and Bulgaria should be included we had communications from the Secretary of State, and I recall that I had a confidential letter, and other Members were informed and reasons were given why it was thought at that time that it would not be wise to declare war against Turkey and include Bulgaria.

Mr. WILLIAMS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. SWANSON. I do.

Mr. WILLIAMS. The Senator will recall, also, that the late chairman of the Foreign Relations Committee, who since then has, unfortunately, died, read to the committee confidentially a communication from the Secretary of State.

Mr. SWANSON. I may as well state that one of the communications was from Mr. Phillips and one was from a person who had been through Turkey. On the information furnished at that time the committee was practically unanimous, as I recall—some might have objected—that it was not wise at that time to include a declaration of war against Turkey and Bulgaria. I do not recall that since then the question has been agitated or discussed, and I am confident that it has not.

The position I took in regard to the matter was this: It would seem to me that before the Senate took action—and it is manifest that there are a number of Members of the Senate who desire action—the proper course to pursue would be for the question to be brought up in the Foreign Relations Committee, send for the Secretary of State, get all the confidential communications which certainly will be given to the committee on this subject, and let the committee ascertain for itself the facts and reach a conclusion and report, if it is necessary, to the Senate.

Mr. JONES of New Mexico. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from New Mexico?

Mr. SWANSON. I yield to the Senator.

Mr. JONES of New Mexico. I rise to make a parliamentary inquiry. While the Chair has ruled that this resolution is not to be referred to the Committee on Foreign Relations, I desire to inquire whether or not a motion to refer the resolution to the Committee on Foreign Relations would be in order?

The PRESIDENT pro tempore. The Chair thinks that the resolution might be referred to the Foreign Relations Committee.

Mr. JONES of New Mexico. Then when I get an opportunity I shall make such a motion.

Mr. SWANSON. Mr. President, it seems to me that the President and the Secretary of State can communicate the facts more fully, more freely, and more confidentially to the Committee on Foreign Relations, as the agents of the Senate for foreign affairs, than they can in a public communication to the Senate, giving the various reasons why we should or should not declare war against Turkey and Bulgaria; and it seems to me the proper course to pursue in a delicate question like this is to give the Foreign Relations Committee an opportunity to ascertain the facts and to reach a conclusion. The Senator from Connecticut has every opportunity of bringing that matter before the committee, to get all the confidential communications that the State Department has, the views of the administration itself, and the entire relations pertaining to the situation between Bulgaria and Turkey and the United States.

As I said before, we have all seen the statement in the press dispatches—I do not know whether it is true or not—that the relations between Turkey and Bulgaria are becoming strained in connection with the division of territory. As I say, I do not know whether it is true or not. We ought to ascertain the facts in that situation before we precipitate this intricate question here for debate and discussion.

It seems to me that the proper course to pursue—and I hope the Senator from Connecticut will pursue it—would be to let this resolution go to the committee. I feel sure the committee will give him and those who favor a declaration of war against Bulgaria and Turkey a hearing. I am frank to say that unless reasons are given why it should not be done that are controlling, as they were before, I am inclined to think that war certainly should be declared against Turkey.

I hope the Senator will let the resolution go to the committee for its consideration.

Mr. PITTMAN. Mr. President, the resolution of the Senator from Pennsylvania [Mr. Knox] is really making a demand upon the President either to ask Congress for a declaration of war against Bulgaria and Turkey or to state to the world that cause does not now exist for a declaration of war against Bulgaria and Turkey. It makes it necessary to make such a statement. The Senator from Pennsylvania can obtain the same information without involving the Chief Executive of this country in a declaration. The Committee on Foreign Relations will now adopt a resolution of the character the Senator from Pennsylvania proposes, requesting the information on behalf of the committee. If it satisfies the Senator from Pennsylvania, I know that there are Senators here who would be satisfied with the declaration of the Senator from Pennsylvania.

If the Senate is not then satisfied with the report of the Committee on Foreign Relations it will be ample time to in-

introduce a resolution going over the head of the Committee on Foreign Relations, and compelling, as far as the Senate may compel—because the request is almost a demand—the communication of this information and a statement as to the attitude of the President in the matter.

I for one, as a member of the Foreign Relations Committee, have never heard of this matter since it was first brought before the committee. At that time, by unanimous consent, the subject was dropped. Had the Senator from Connecticut or the Senator from Pennsylvania at any time recently suggested to the committee at any of its meetings that the information was desired from the President by the committee or any member of the committee, I, for one, would have supported that request. I am prepared to support it in committee now, but I can not see the necessity of involving the Chief Executive in a declaration of this kind at this time. I think it is totally improper.

Mr. KNOX. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. PITTMAN. I do.

Mr. KNOX. I simply want to inquire of the Senator if he has noticed the exact language of the resolution that I offered as a substitute? It does not involve the President in any declaration of any character that he has not already publicly and freely made. Everybody knows that a state of war does exist between Turkey and Bulgaria and the United States. The only question is, Is it expedient to declare the existence of that state of war?

Senators are constantly using the expression that we declared war upon Germany at such and such a time, or that we should declare war upon Turkey and upon Bulgaria. We have never declared war on any of these countries. We have only declared that by their acts they have brought on a condition or state of war, which we thereby recognized.

The President has said that logically, when we declared the existence of a state of war with Austria, we should have declared that same state of war to exist with Turkey and Bulgaria, but that it was not expedient at that time to do so. This resolution only inquires whether it is expedient now to do so, or whether those reasons still exist.

Mr. PITTMAN. Mr. President, the same condition would have existed just two days prior to our declaration that a state of war existed with Germany. We did not declare war on Germany. We declared that a state of war existed with the Imperial German Government. The same condition existed with relation to the German Government prior to our declaration that exists with reference to Bulgaria now; and yet I doubt if the Senator from Pennsylvania, a week or a month or a day prior to the declaration of the existence of war with the German Government, would have introduced a resolution of this character with regard to Germany. Why? Because it was too serious a matter. That is the reason why he would not have done it with regard to Germany—because it was a matter peculiarly within the executive functions of this Government until it was properly brought before the Congress of the United States.

The Senator from Pennsylvania has attempted to draw a distinction between a declaration of war and a declaration of a state of war. The distinction is clear to all of us, but it has not any effect whatever with regard to the propriety of his resolution—not the slightest—any more than it would have had with regard to the propriety of a resolution of the same character introduced with regard to the German Government before our declaration with regard to that Government. Consequently, his differentiation does not change the conditions at all.

The Senator's resolution does call for an expression on behalf of the Chief Executive of this country. That expression is equal to a declaration of war or a denial that war should be declared, whether you call it a declaration of war or a declaration of the existence of a state of war. Now, I ask the Senator from Pennsylvania if there might not be conditions submitted to him by the Chief Executive privately that would warrant him in believing that it was to the interest of this Government that nothing at all be said about this matter? The Senator from Pennsylvania realizes that it is impossible to discuss these matters in an official way without having some effect. He desires information, and yet he has not attempted to secure that information. He desires information as a Member of this body, and yet he is a member of a committee that has had this matter before it for months, and not in months has he sought, through that official channel, to obtain this information. He has not any doubt at all but that if he went to the President of the United States he would be satisfied with regard to this matter. He has not any doubt—at least, he has not expressed it—that

if he should suggest this to the committee of which he is a member the committee would follow his suggestions and ask for the information from the President. He has not any doubt that that committee would receive just as much if not fuller information in regard to the subject upon which he desires information as this body would receive. If he is seeking information, why does he not seek it through the proper channels? If that information does not satisfy him, then he can proceed along the lines along which he is now proceeding. If he thinks that that information can not be imparted by that committee to this body, then he can say so in his report, and renew the offer of his resolution. But the Senator from Pennsylvania and the Senator from Connecticut have brought this matter suddenly before this body without the slightest intimation to the committee that has the matter in charge; and I say that had they brought it to the attention of the committee, the committee would have acted on their suggestions, and will now act on their suggestions.

The motion that will be made to refer to the committee the resolution of the Senator from Pennsylvania will have no more force and effect than to defeat the resolution of the Senator from Pennsylvania. It is certainly immaterial whether it be referred or not. If it be referred to the committee, then the matter will be in the same condition that it is now. That is, it will be before the committee. It is immaterial whether it is before the committee on the original resolution or on this resolution. Nevertheless, the resolution of the Senator from Pennsylvania should either be referred to that committee or should be defeated by this body; and I pledge the Senator from Pennsylvania now as a member of the committee—and the Senator from Virginia [Mr. SWANSON] has already made his pledge—that I will cooperate with him to the fullest extent to obtain all information for him and for that committee, and for this body through that committee, that he can obtain or hope to obtain through his pending resolution.

Mr. WILLIAMS. Mr. President, if I were upon a boat in a tortuous channel it would take a good deal to make me attempt to take things in my own hands and interfere with the pilot, the captain of the boat.

Something was said by the Senator from Connecticut [Mr. BRANDEGEE] about this being "the day of public diplomacy," and at the suggestion of the Senator from New Hampshire [Mr. GALLINGER] he said it was the day of "pitiless publicity."

Everybody has a great deal of sympathy with the idea of public diplomacy, but nobody has ever yet been foolish enough during war times to make public everything which had any bearing upon the carrying on of the war or the conclusion of the war itself.

Now, I do not know, frankly, any reason why this Government should not declare that a state of war exists between these United States and both Bulgaria and Turkey, but I do know that there may be very many reasons why they should not, and I do know that the very purposes which are in the minds of the Department of State might be defeated by making those reasons public.

The PRESIDENT pro tempore. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is Senate bill 3771.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to co-ordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. SHERMAN. Mr. President—

Mr. SWANSON. Will the Senator yield to me to make an inquiry of the Senator from North Carolina?

Mr. SHERMAN. I do not wish to lose the floor.

Mr. SWANSON. The Senator is not going to lose the floor by yielding for an inquiry.

Mr. SHERMAN. Very well.

Mr. SWANSON. I ask the Senator from North Carolina if he will not yield to me to get up the housing bill to-day if the debate lags and there is not anyone who wants to speak on the unfinished business?

Mr. OVERMAN. I will say to the Senator, if no one wishes to speak and the condition arises later, so that it will be necessary to lay aside the bill temporarily, that may be done; but I do not wish the Senator to be misinformed. I think all the time will be taken up by debate on the unfinished business.

Mr. SWANSON. I should like to ask if the Senator will not move an adjournment and meet to-morrow at 11 o'clock, so that the housing bill may be disposed of. It is a measure of most urgent necessity.

Mr. OVERMAN. I appreciate that; but, as I stated yesterday, I promised the Senate, if they would give me unanimous consent, that I would continue the unfinished business before the Senate. The Senator knows the situation as well as I do. He has seen what has been accomplished by taking an adjournment yesterday afternoon, and the same thing might happen to-morrow.

Mr. SWANSON. It may be that we will hardly get a vote in the Senate except by unanimous consent or by mental and physical exhaustion, but I have been trying to reach a vote.

Mr. OVERMAN. The Senator has done all he could. It is not the Senator's fault.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Utah?

Mr. SHERMAN. I yielded to the Senator from Virginia. I have no right to control the floor.

Mr. SWANSON. I ask the Senator from North Carolina if he will not move an adjournment to-day until to-morrow at 11 o'clock, and then at 1 o'clock, if the housing bill is not disposed of, some agreement may be reached.

Mr. GALLINGER. I object to any arrangement about an adjournment. That will come up later on. This is not the time to arrange an adjournment.

Mr. OVERMAN. I think the suggestion of the Senator from New Hampshire is a wise one.

The PRESIDENT pro tempore. The Senator from Illinois has the floor.

Mr. SHERMAN. Mr. President, I address myself to the pending bill relating to the consolidation of the executive departments, assuming that that in a parliamentary way is before the Senate. Am I correct in the assumption that the bill providing for a consolidation of executive departments is now before the Senate?

Mr. OVERMAN. Yes, sir.

Mr. SHERMAN. The so-called housing bill has at various intervals taken some of the time of the Senate, the former bill being laid aside for that purpose.

Mr. President, if the departments or bureaus or commissions which are sought to be consolidated, or whose functions are to be transferred, were written in the pending bill I could readily strain whatever belief I might have in favor of vesting the power in the Executive for that purpose. The bill, however, as written is one of a general, blanket authority. It is of such a universal character and carries such vast undeveloped powers, which ordinarily belong to Congress, as to arouse some question of the wisdom of the transfer of those powers to the Executive. Ordinarily the creation of a new department and the abolition of one already created is the exercise of a legislative authority. All of these departments have been created by acts of Congress; many bureaus, commissions, and boards have been created by various acts of Congress. It is now sought by one general delegation of that creative power to the Executive to vest in him the right to transfer the powers of these departments or to delegate the exercise of the functions of such departments from one to the other, or to combine many, or even all, in one.

It is true there is no specific power contained in the bill vesting in the President the power to create a new department or a new commission, but the transfer of the functions of a department, bureau, or commission in substance is a destruction of the department, bureau, or commission whose functions are so transferred. A great many bureaus have been destroyed by merely transferring the powers of those bureaus to others. It makes no difference whether the bureau continue or not, or whether the commission or board shall remain in existence, if all of its powers are transferred to some other board or commission or bureau, though the commission may continue to exist as a mere automaton, it has nothing to do; it has no governmental functions of any kind, because they are transferred to some other governmental agency. Thereby the former ceases to be of any practical value in the administration of public affairs. So, whatever may be the language of the bill, the necessary substance of it is to destroy the bureau whose function is taken away and vested in some other bureau or board.

In the rough there are nearly 200 bureaus, boards, commissions, and departments affected by the potential action of the Executive under the powers sought to be conferred by this bill. If the Congressional Directory alone should be taken as the guide, nearly 200 bureaus are found there that would be affected, and some of them would be entirely destroyed. The necessary effect of that, then, would be to give to the President the power to take from any one of these departments or bureaus its functions and destructively to transfer them to another one.

This is justified, or sought to be justified, by the necessities of the war, the conditions which prevail making it desirable. Mr. President, this is not the method of reforming existing conditions that is a practical one, as it seems to me. We are not now suffering from a lack of power in the Executive or in the departments, but from the lack of the proper exercise of executive powers that already exist. The President now has power to do many of these things that are not done and the power to do some of the specific things which are provided for in the bill. It is not a delegation of further power, Mr. President, to the Executive which is needed, but it is the choice of men for the execution of powers already vested.

In deciding whether such a blanket delegation of authority ought to be vested in the President, I first find myself inevitably driven to the examination of the exercise of powers already vested. They have, of course, been exercised by the choice of men for the execution of governmental powers. These men, when selected, very largely determine the effectiveness or the lack of effectiveness of the power or the law which they administer or put into execution.

What are some of these bureaus, boards, departments, and commissions that are affected? I have made, Mr. President, a rough draft of some of them that would be covered under the express terms of this bill. The national banks have been in existence since the Civil War; they have been built up upon the business of communities by administration, under the Comptroller of the Currency as a subordinate of the Secretary of the Treasury, until they are a well-defined and necessary instrument of our fiscal system and are closely interwoven with all the business of the country. Because of a waste of financial power and sometimes its abuse; sometimes, before legislation regulated them, because of a lack of organization of the reserves placed in the correspondent banks of all the national banks, as well as private and State banks, some question arose as to the regulation and disposition of the reserves of the various banks of the country. It was followed by a very long investigation. The Monetary Commission prepared a voluminous report, which recommended in substance a central reserve bank. That recommendation did not meet with much favor; it was not adopted by Congress following the report of the commission, and it found no favor in the financial legislation or the banking legislation when the Federal reserve bill was pending. The Federal reserve act, however, without going into an analysis of it, accomplished in substance all of the recommendations of the Aldrich commission by dividing the authority and scattering it over the United States nominally, but really keeping all of the authority in the hands of the Secretary of the Treasury; in fact, the Federal reserve act is in itself an execution of and a tribute to the report of the Monetary Commission. That act only harvested the net results of that investigation; therefore, the national bank act, the Federal Reserve Board, and the Comptroller of the Currency, who has jurisdiction over them as a regulatory officer, are directly connected with each other.

The Rural Credits Board, designed to make easier the borrowing of money by farmers, is connected directly with the monetary and banking affairs of the country. At this session there has been passed a War Finance Corporation act that is also vitally connected with the finances of the country. It provides for an organization with a capital stock of a half billion dollars, to be advanced as credits or used for various purposes. Then, in addition to that, a very large potential credit can be created and extended to various business enterprises by the same organization. This has in turn a very powerful influence over all the public utilities of the country—gas, electric light, street railway, subways, elevated roads, all of the telephone systems of the country, such water systems as remain in private ownership, drainage districts, irrigation districts, and anything comprised in the general term "public utility."

It is provided that as their obligations fall due and their credits mature the War Finance Corporation may extend help under the conditions named in the bill, thus creating a sort of voluntary conservator of our financial resources in the Finance Corporation. It has recommending powers and powers either of approval or disapproval as to whether a public utility shall be allowed to issue securities. Generally their approval or the lack of it would very largely affect the ability of the concern to market its bonds. If the War Finance Corporation, or its committee from the Federal Reserve Board, which amounts to the same thing under the interlocking provisions of the two acts, withhold their approval, it would very materially affect the marketing of the bonds.

Here, therefore, are five organizations that are directly connected with each other; one, the oldest, the National Banking

System; next, the Federal Reserve Board; the Rural Credits System; then the War-Finance Corporation; and last, all the public utilities of the country. All these powers, under the provisions of this bill, could be vested in a single authority; they might all be placed in the hands of the Secretary of the Treasury.

The Federal Reserve Board now has a very intimate connection with the Treasury Department, as have the national banks. If the Rural Credits System, with its possibilities for indefinite expansion, should be added to the same consolidation, it would make of itself, when connected with the public utilities of the country, the greatest single authority over financial business and credit that the country ever saw. I doubt whether any country in the world would have in a single department the vast powers that would be wielded by the Treasury Department if that should be the department chosen for the consolidation of those powers under the authority of this bill.

A part of the transportation system of the country, Mr. President, is the Panama Canal. That is now controlled by a separate commission. The Isthmian Canal Commission has since a very early time in the construction of the canal had full charge of its affairs. Still the Panama Canal is a part, and a vital part, of the transportation system of the country. A great deal of what has heretofore been transcontinental railway traffic will go through the Panama Canal, as a matter of course. Therefore it becomes intimately connected with our railway system. The railway system of the country already has been placed in the hands of the Director General of Railways—250,000 miles of railways, with all their capitalization and equipment. The enormous powers and the influence that go with such powers as those are now vested in the hands of a single person for war purposes, and are to continue in those hands for 21 months after the war has ended. One would ordinarily think that the Director General of Railways was possessed of sufficient power and responsibility now to make his a fairly busy man's occupation. However, this is only a part, for all of the functions of the Isthmian Canal Commission could under this bill be carried to the Director General of the Railways.

It is said that that would not be done. I do not know, nor does anybody else know, whether it would be done or not. It is enough to say that under the general blanket provisions of this bill it could be done. The Isthmian Canal Commission could then have their offices consolidated with, and their functions vested in, the Director General of Railways. That would be lawful under this bill, however unwise or however finally one great department might become overloaded.

With the affairs of the Panama Canal transferred to the Director General of Railways, the Director General of Railways would then control the land and water transportation systems of the country, because, since the creation of the Shipping Board, all of the inland water transportation, as well as the coastwise trade and the over-seas transportation, are in one head. Then, if the Isthmian Canal Commission should be transferred it would be just as logical, in the interest of consolidated authority, to transfer the functions of the Shipping Board and unite them, because they are all a part of the war program, and all of the inland transportation, both by land and water, reaching any of our port cities would be a part of the transportation of supplies from our markets to our armies across the sea.

I think, Mr. President, the Secretary of the Treasury, having control of the national banks, having a supervisory authority over the Federal Reserve Board and direct control by statute of the rural-credits system, having very large powers and responsibilities under the War Finance Corporation act, and having his hand thereby upon every public utility in the United States, to transfer to him, in addition to that, the power, as could be done under this bill by the President, to control all of the other methods of transportation, both on land and sea, constitutes that degree of danger that stamps this bill in its present blanket form as unwise, as a positive menace to the orderly administration of affairs, even in war times. No man is equal to the task. It is the history of departments that grasping for power is the rule. The opportunity is given for the President to concentrate in a single department of his choice every other one, and delegate it to various personal representatives independent of statutes. It governs by the will of one man, not by the settled rule of law. It drifts to the uncharted region where monarchs are sometimes found.

Here are some other very important functions: The industrial enterprises of the country—I presume a part of the credit of the United States, exercised through various contract bodies, all of them finally coming to the Secretary of the Treasury, some of them not having enough money to carry out contracts of the size they have taken from the Government—would be affected. Some of them necessarily would be in the same catalogue with public utilities. Therefore, if the industrial enterprises of the

country are taken over by the Government, like shipyards, steel plants, iron-ore smelting enterprises, then packing houses, establishments manufacturing all of the articles that directly or indirectly are connected with war, including agricultural implements and all the vehicular implements required in war, would become a part necessarily of the industrial system and be justified in the transfer of the different functions to another head or to the same head. Investment companies, bond houses, become directly dependent upon the powers that are embodied in this bill. They can do no business unless the bond issues in which they deal have received the approval of the committee of the Federal Reserve Board, which in turn relates back to the head of the department, the Secretary of the Treasury. Therefore the industrials, the railways, the Isthmian Canal, the War Finance Corporation, the investment companies, the public-utilities company, the Rural Credits Board, the Federal Reserve Board, and the national banks, all of them could be—because they are connected with each other directly—transferred to the same authority. The functions could be transferred, and the men who execute the different administrative powers could be transferred with the functions. It would leave a vacancy; it would leave, maybe, the inert, lifeless shell of the commission remaining, but without power, without duties to perform, without appropriations, without any functions; and necessarily, remaining in that state of suspended animation, the bureau or department is destroyed. So the bill of itself transfers all of the powers, and it had as well contain positive power to destroy the bureau or the department itself.

The War Department and the Labor Department could be united for that matter under this bill. It is true that it would be an unreasonable sort of a union, but possibly not more unreasonable than some things that have already happened.

What is this to be done for? Under the name of efficiency! It will help in the preparation for the war! Why, the powers exist now. The junior Senator from Pennsylvania [Mr. Knox], in about five minutes, from the plenitude of his experience in the executive departments, showed what a President can do—call together the members of the Cabinet, the heads of bureaus or boards or commissions, find what object is to be accomplished, show how their departments or bureaus are related to each other, and ask them to join in the execution of the common purpose to reach the goal. That is all that is needed; and out of the experience of the junior Senator from Pennsylvania, in a few well-chosen words here, he showed, in a most illuminating flash on the Senate, how it could be effectively done in the absence of legislation.

The main thing is to get the practical result, after all; not merely to legislate in an academic way. If the President would take the men he already has, call them into his presence, and tell them what he wishes accomplished he could do it all by a mere request to them to unite their efforts, if they are practical men.

I suspect, Mr. President, that is not the trouble. He has about him what by this time must have forced its way into his understanding, as it has into the understanding of many in the Senate Chamber—men to whom he has delegated power, whom he has appointed, some of them to high public place, whether wisely or unwisely we need not stop to inquire now, who are not performing effectively; but in the stress of war it would be extremely embarrassing to call on them to resign. To err is human, but the noblest human quality is to correct one's own errors, rather than charge them to Congress. For my part, I decline to become an agency to request the unwise appointees the President has made to resign. Let him exercise his undoubted executive authority, and ask them to resign.

The President has a good Scotch jaw on him that is inherited from some kindly ancestor. He has determination. He has understanding. Let him not pass up to Congress what he ought to do himself, and what he has undoubted power to do now. Under the guise of efficiency I think there are more crimes committed than any other masquerade I know of in this country.

At a meeting of a society of engineers held a few days ago there were present a number of engineers of all kinds connected with railways and industrial enterprises, those who meet all of the problems of engineering in this country. One of them, with a disposition to use a quill, evolved the following:

THE ENGINEER.

[Sung to the tune of "Son of a Gambler" at a meeting of the Engineering Society of Buffalo.]

Who is the man designs our pumps with judgment, skill, and care?

Who is the man that builds 'em and who keeps them in repair?

Who has to shut them down because the valve seats disappear?

The bearing-wearing, gearing-tearing mechanical engineer.

Who buys his juice for half a cent and wants to charge a dime?

Who when we've signed the contract can't deliver half the time?

Who thinks a loss of 26 per cent is nothing queer?

The volt-inducing, load-reducing electrical engineer.

Who is it takes a transit out to find a sewer to tap?
 Who then with care extreme locates the junction on the map?
 Who is it goes to dig it up and finds it nowhere near?
 The mud-bespattered, torn and tattered civil engineer.

Who thinks without his products we would all be in the lurch?
 Who has a heathen idol which he designates Research?
 Who tints the creeks, perfumes the air, and makes the landscapes drear?
 The stink-evolving, grass-dissolving chemical engineer.

Who is the man who'll draw a plan for everything you desire
 From a trans-Atlantic liner to a hairpin made of wire?
 With "ifs" and "ands," "howevers" and "buts," who makes his
 meaning clear?
 The work-disdaining, fee-retaining consulting engineer.

Who builds a road for 50 years that disappears in two;
 Then changes his identity, so no one's left to sue?
 Who covers all the traveled roads with filthy oily smear?
 The bump-providing, rough-on-riding highway engineer.

Who takes the pleasure out of life and makes existence hell?
 Who'll fire a real good looking one because she can not spell?
 Who substitutes a dictaphone for coral-tinted ear?
 The penny-chasing, dollar-wasting efficiency engineer.

That is where they come from most of the time nowadays. Under the guise of efficiency, this bill is sought to be put through the Senate in its present form. Here is the argument. It is all the argument that I have heard, when it is boiled down: My very capable colleague from Illinois [Mr. LEWIS], the chief representative of the President and his emergency Senator in stormy times, made a speech in the Senate April 6, 1918, published in the CONGRESSIONAL RECORD of April 13, 1918, on page 5490, uses the following as an argument. This is apart from the efficiency idea:

Any man who now is against the war is against America—

From which no patriotic man would differ—

and any man who is against any measure that the President demands as necessary to win the war is against the President. * * * The country gave Wilson the power in the declaration of war and demands of Congress to throw off its bridle and bit.

Mr. President, I do not argue against the assertion that any person who is against the war is against America. That is self-evident. Whenever our country is in war the public enemy must be overcome. But immediately following and connected in the same sentence is the statement that—

Any man who is against any measure that the President demands as necessary to win the war is against the President.

Because I may differ from the Executive on the details of how he shall best execute a war power, it does not argue that I am against the President. I decline to surrender my thinking apparatus—inferior as it may be, it is the only one I have—into the keeping of any Executive or any other Senator. I differ from my friends. So does the Executive. Does that convert me into an enemy of my friends?

Does it necessarily follow that I am against the President because I may not agree with him on the details of legislation which the President has requested to conduct the war? He comes to Congress requiring legislation. He can not perform the duties imposed upon him by mere Executive orders. Does it follow, because I do not agree with him on the details of how the war shall be conducted, the extent and manner of exercising present power, or how a given matter of legislation shall be performed, that I have thereby arrayed myself against the President? I think not.

The best friend the President has in the world to-day is the one who will candidly tell him the truth. I heard the Senator from Oregon [Mr. CHAMBERLAIN], in his place some weeks ago, replying to a letter written by the Executive charging him with misrepresenting, to say the least of it, the condition of our military preparations, make a powerful and candid appeal, a most dignified and senatorial reply. He said, "I do not question the President's sincerity, but I do say that the President does not know the truth"; and that is so. He does not know what the truth is on many things connected with legislation he is asking. So it becomes here a question of candid, constructive criticism, in a refusal merely to pass such measures as he frames and sends to the Senate.

There is one matter here in regard to which the senior Senator from Iowa [Mr. CUMMINS] has a great wealth of information and some very clear-cut and accurate ideas. He has referred to the possibility, especially in view of the act under which the President has taken over the railways, and the appointment of a Director General, of the rate-making power being likewise assumed as well. I am like other Senators who have commented on this question. If the President or Senators here who support this bill will write out the departments whose functions are to be affected, and name the bureaus that are to be abolished, or whose functions are to be transferred, any board or commission of any kind whose powers or functions are to be taken from one to the other, if they are no longer needed, I am willing in such cases to give Executive discre-

tion to abolish them. Let it be done, if there is any reason why it should be done. When an object is to be attained with a clear understanding of the means by which it is to be accomplished, can be written in a bill, I will go to the extreme verge, so far as I have a voice here, to vest in the President adequate power of the most plenary character to carry out any consolidations and to make effective any of the departments or bureaus in their relation with each other and with the correlation and work that all of them are finally to perform as a war measure. When it comes, however, to vesting in the Director General of Railways or in the President of the United States the power, absolute in its character, to make rates, I might well hesitate.

Since 1887, now something over 30 years ago, the Interstate Commerce Commission has been in existence. It has built up, just like all other experiments of that character, its powers. It has handled the railway systems of the country. Whatever its shortcomings, whatever restrictions have been built up by it around the steam railways of the country—and it must be remembered that at times the commission has made orders that have been severely criticized by much of the general public—but if there are any restrictions under which the roads ought not to labor, the Interstate Commerce Commission, in following out the legislation of Congress, the original act and all amendatory acts, and the decisions of the Supreme Court, assuming that its members have a fair degree of human nature, pays some attention to the condition of the public mind on those questions. At least from all these sources the commission has built up a system of rate making. Precedents have been made, many cases have been heard, and the system itself is one under which the railroads have learned to operate. Why should that power be transferred to someone else? And yet in my opinion the power is in this bill, and it is one of the hidden powers in the blanket authority sought to be conferred, to vest in the President, and by him to be delegated to the Director General of Railways, absolute rate-making powers which they do not now have, either of them.

The act that validated and confirmed the taking over by the Government of the steam railways contains a section in reference to the rate-making power. That rate-making power, Mr. President, is subject in its final operation to approval by the Interstate Commerce Commission. I suspect that that power is irksome to the present Director General of Railways. There are several things that lead me to believe so. One is that the Director General refers now to "the railroad." He says there is but one railroad in the United States, and that is the railroad of which he is the Director General. The individuality of all the railroads has disappeared. It is now one railroad. Naturally, it would interfere with his rate-making power to have the Interstate Commerce Commission continue to discharge its present functions. Under this bill, if the functions could be transferred from the Interstate Commerce Commission to the President, who in turn could delegate them to the Director General, then there is one man who possesses plenary power without limitation upon 250,000 miles of railway. He could increase rates for shippers; he could add switching and spotting car charges at pleasure. There is no one to veto the exercise of that power.

The switching and spotting charges referred to have been condemned by the Interstate Commerce Commission when sought to be imposed upon the shipping public. These switching and spotting charges can not always be passed along to the consumer. Sometimes they can be. Sometimes they can be absorbed in the charge made for the goods to be delivered to the purchaser at destination. In quoting prices, the switching and spotting charge can be quoted as a part of the freight rate and absorbed in the general price of the merchandise laid down at the end of the trip. That can not always be done, however, especially where there is competition in the same line of merchandise at distant points, where a house or a plant along the Atlantic coast competes with one in the Mississippi Valley or vice versa. In those cases a freight charge is material, and a switching charge added to one and not to another shipper may spell either successful competition or a retirement from that market.

A shipper of considerable experience left with me the figures, based upon an investigation in former cases, of the amount of revenue that would be obtained by the exercise of this power. A transfer under the provisions of this bill of the rate-making power without revision by the Interstate Commerce Commission would carry with it the right to impose these charges. One hundred and seventy-six million dollars would be collected in switching charges and car-spotting charges alone on the shippers of the United States every 12 months.

It is easy to remove limitations in a law after it is once passed. There was no substantial opposition here when the

bill authorizing the taking over of the railroads was on its final passage and the amendatory proceedings had prior to that time. The question was raised whether it would deprive the States of the power to tax the steam-railroad properties lying within their respective borders. It was said that in the absence of a prohibition it would not. To make assurance doubly sure, however, the senior Senator from New Jersey [Mr. FRELINGHUYSEN] offered an amendment that preserved the right of the States to tax the railroad property within their limits—a very necessary right. The assessments are made by some State authority. They are made in such a way as to arrive substantially at a fair distribution of the values of a carrier, even where it is an interstate line. I know that in my own State some long trunk lines start out of Chicago. One, for instance, the Illinois Central, runs from Chicago to New Orleans, La. In assessing the property in the State of Illinois there must be considered, in the determination of its value as an entire property, the whole railway from Chicago to New Orleans.

The terminal facilities in Chicago on the lake front are greatly enhanced in value by the outlet at New Orleans. The property values must be distributed. While it is an interstate line, the properties lying within the borders of any given State are for local revenue purposes, to be assessed and taxes to be levied by the various State taxing authorities.

How easy it would be to remove them! How much does it amount to in a given year? One hundred and seventy-two million dollars, as I remember, was paid in 1917. One hundred and seventy-two million dollars a year can be taken from the different State taxing authorities and added to the railways' net income.

At this point Mr. SHERMAN yielded the floor for the day.

Tuesday, April 23, 1918.

Mr. SHERMAN. Mr. President, on yielding the floor yesterday I was referring to the State and local taxes now levied upon railways. It was in pursuance of the definite purpose to relieve by several indirect devices the roads of certain burdens they have borne under essential private control that this was undertaken by the Government management.

Such local taxes have at various times—say, for three years from 1915—been a considerable sum, beginning with 1915, \$139,000,000; in 1916, \$147,000,000; and in 1917, \$172,000,000. There is an average increase, taking it for some years back, of at least sixteen and a half million dollars annually in the local taxes levied upon railroads.

In order not to cripple various local bodies—State, county, district, municipalities, and the like—the senior Senator from New Jersey [Mr. FRELINGHUYSEN] offered an amendment to the railroad act when it was pending preserving those local powers found in section 15. That, however, is very materially emasculated by a provision in the latter part of the section.

My attention was directed to this by the senior Senator from Iowa [Mr. CUMMINS]. I had not observed it even in the passage of the bill. It is a most material provision, however. It says "that nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States in relation to taxation or the local police powers of the several States, except wherein such laws, powers, or regulations may affect the transportation of troops, Government supplies, or the issue of stocks and bonds."

I can see that a liberal interpretation of this exception would practically nullify the preceding portion of section 15 relating to the local taxing powers of the States. All that it needs in order to fully accomplish this purpose is the passage of a bill of the character now pending, containing unlimited blanket powers conferring upon the Executive the right to unite the power of the Interstate Commerce Commission with that of the Treasury Department or the Director General of Railways. The revenue laws of the States taxing railway property could be set aside, as they increase the burdens now assumed by the Government and so affected the war.

As it is now, under existing law, the Interstate Commerce Commission possesses plenary power in rates not only for passengers and freight but in auxiliary matters, referred to yesterday as switching charges, charges for spotting cars, the various regulations referring to contracts between express companies, and the Pullman Co., it being the only one operating a line of sleeping cars in the United States, wherein these burdens heretofore resting upon railroad companies could be so materially lessened as to prevent a very favorable ledger balance if the bookkeeping is to be attended to in the annual report made of the management of roads under the unified control of the Director General.

I think this exception in section 15 was made with this in view. The whole purpose of the legislation, and, I think, a hidden purpose lurking in this pending bill, is to enable the

Government control of railroads to be made as favorable as possible in the annual report, showing the earnings and the expenditures in as favorable a light as possible for the Government management. It is an unfair advantage, but will be used to show the blessings of Government operations of railways.

I am led further to conclude this by a controversy which occurred between the Fuel Administrator and the Treasury Department not long since. I believe the railways have been attempting to enter into a contract for the purchase during the summer and fall months of a very large quantity of coal. Some controversy has arisen on favored rates to be applied to the railroads. Out of that controversy between the Fuel Administrator and the Director General it appears there was a dispute between John Skelton Williams, representing the Director General of Railways, and Mr. Garfield, the Fuel Administrator. The substance of it is that the railroads under the direction of the Government are attempting to obtain preferential rates in the purchase of coal. That has in view the same purpose as the relief from the burden of local taxation for increasing revenue for switching and other charges and for a general revision of the sources of income of the steam railroads of the country. It is for the purpose of lessening the expenditures on fuel account the railroads are to be given a preferential rate over that of the private consumer. A very large item of railroad expenses will continue, under Government control as they have been in private control, to be for fuel, and the lower the railroads can purchase fuel the better the financial showing of the railroads when a report is made.

So this controversy is one that was illuminating on the purposes of this bill. It indicates that one of the purposes of this measure is to enable a consolidation of powers in the Director General of the Railways or in the Secretary of the Treasury—they are one and the same person—in order to obtain fictitious and unnatural advantages for the operation of the railways under Government control.

These matters are ones, it is true, that are only incidental to the main purposes of the bill, but nevertheless I think they ought to be kept in mind. The Secretary of the Treasury is Director General of the Railways, and he has a variety of more or less important other functions in the Nation's economy. When all these powers are consolidated or may be under the provisions of this bill in a single person he will present an officer having the greatest governmental power of any other man in the civilized world. Those different departments that I enumerated yesterday, all of them, will be brought within the scope of his authority. Potentially, whether it will be depends upon the discretion of the Executive, or rather, I fear, not upon his discretion alone but upon such advice as he may get from those to whom he has delegated power.

When I look at the provisions of the bill I find all of those delegated powers proposed in the bill are of general or blanket character. They are not specific. The amendment offered by the senior Senator from Georgia [Mr. SMITH] seeks to be specific in those delegated powers. The principle of that amendment appeals to me. I am not in favor of changing the present authority of the Bureau of Mines and Mining. I think it ought to remain where it is—with the Secretary of the Interior. I do not believe it ought to be transferred to the Army and Navy through its heads. I believe it would create more confusion and interfere with the production of necessary fuel during the slack season in the summer and fall than would otherwise happen if it remained unchanged. But the general purposes of the amendment offered by the Senator from Georgia are sound as being specific in character and having known limitations on the power of consolidation.

Therefore when my eminent colleague [Mr. LEWIS] said that the country gave to the President the power in the declaration of war, and he demands of Congress to throw off its bit and bridle, it is only a standing invitation to the Senate to put neither hindrance nor restraint upon the President in the exercise of legislative power.

The same power that created these departments, these bureaus and commissions, ought to be the power that consolidates, amends, or destroys the several acts by which they were created. It is an express delegation of legislative power to the Executive. All these having been created by acts of Congress, they ought in effect to be abolished in the same way or modified or consolidated.

I can not agree with my distinguished colleague [Mr. LEWIS] in his contention that we are against the war because we do not join in the delegation of these vast, undefined powers to the President. On the contrary, I think the best way of conducting the war is scrupulously to examine these powers, many of which are sought to be delegated by the President through his advisors and not by the direct acts of the President, since

he gets his information largely on these matters of detail from those about him. We can better serve the President in making a careful examination of these powers that are sought to be delegated in this way.

I think during the time of something over four years now that I have had the privilege of being a Member of this body I heard on yesterday the most timely and pertinent address on a vital subject that it has been my privilege to hear. The Senator from Washington [Mr. POINDEXTER], on a communication in relation to the Mooney case in California, made it the text, and properly so, of an address upon the general subject of the elements that are agitating to set aside the ordinary administration of justice in that State.

It was not only timely but it was a forcible address, with a great grasp of the underlying principles of these dangerous elements in the country. The Senator has thereby rendered a great public service and blazed the way in a pioneer advance which others must follow. It was forcible, too, in the candor and courage it displayed in laying down the sound ground for meeting and criticizing such efforts and the elementary basis upon which civil society is founded.

Barring two or three minutes, I heard the entire address. I not only approve of it but I fail to find any reason that the senior Senator from California [Mr. PHELAN] could find in that address anywhere for saying that it was a criticism of the local courts of California. On the contrary, I understood it to be in commendation of those courts; that justice had been administered impartially under all the forms and guaranties of institutional liberty, with the rules of evidence, the trial by jury, the employment of able counsel, ample time to investigate, and the hearing of all the evidence, with all the safeguards that have been thrown around a defendant placed on trial on criminal charges known to the English-speaking race. That is the substance of his address as I heard it and as found in the CONGRESSIONAL RECORD this morning. I think it constitutes itself one of the greatest commendations of the courts of the country I have heard.

There was great prejudice upon the one side against the courts. There was some prejudice, no doubt, against the murder in cold blood of 10 persons by the explosion of dynamite in the suit case in San Francisco, against whoever the guilty men might have been. But the court holding, as it ought, the scales impartially between the prosecution and the defense administered justice. The Supreme Court of California has passed upon it, and the Senator from Washington referred to that fact, and affirmed the sentence of the trial court. Mr. President, I do not know what more the Senator could have said to commend the courts of California than that they had been the instruments for the orderly administration of justice in accordance with the rules of jurisprudence evolved by our Anglo-Saxon civilization through many centuries.

This is preliminary, Mr. President, to saying that in asking by this bill to delegate these powers of a vast, undefined character to the President, I properly can consider how he would use them in view of how he has already used existing power and the character of the men by whom he has surrounded himself, to whom he has delegated that power granted him generously and without question by Congress in many acts of a vital character. So keeping this in mind it has seemed to me that it was proper to consider these questions at all times and places in interpreting what would probably be done under the bill by what has been previously done.

I hold in my hand a book published in 1918 entitled "Our Revolution," by Leon Trotzky. Many of these articles were published in various socialistic papers in the United States when Mr. Trotzky was residing in the city of New York. He found this country a temporary place of refuge. He abused its hospitality by planting revolution in Russia, and at the same time lending his activities to the propagation of the poison among the element in our country, to which the Senator from Washington referred yesterday.

Mr. Trotzky is a native, as I remember, of Russia, in and about Odessa, or the wheat country of Russia. He is well known as an agitator. He left that country for his personal health during the ascendancy of the Kerensky régime. He was a radical, a disturber, an advocate of direct action, which means revolution and force there or elsewhere. He came to this country for personal safety and remained until a certain time as the régime which Mr. Kerensky represented was tottering to its fall. He then returned to Russia and began the course of activity which resulted in the revolution with which we are all familiar.

In this country there is a similar systematic crusade. The significance of what the Senator from Washington said yesterday was in the connection in a logical way of this crusade with

the practical affairs of our Government. He collected all over the world the relations those bodies, and especially on the Northwest Pacific coast, occupied to some of the communications that appear in this Chamber. There is a language of these agitators, I think, which is not always understood. Mr. Trotzky speaks often of the proletariat. That is almost a term of jest in our country, or has been. The proletariat to which Mr. Trotzky refers is as definite, however, in this country and known as the proletariat in Russia.

I want to read from Mr. Trotzky's book what this means. I do this because I think the President is playing with fire. I think he is collecting around him men of the kind that will make trouble with this same element to which the Senator from Washington referred. He defines the proletariat on pages 120 and 121. He speaks of the principal merit of scientific socialism to have discovered a social power in the person of the proletariat. He says:

Whom should we consider a proletarian? Is the half-paupered peasant a proletarian? Should we count with the proletariat those hosts of the city reserve who, on one hand, fall into the ranks of the parasitic proletariat of beggars and thieves, and, on the other hand, fill the streets in the capacity of peddlers—i. e., of parasites on the economic body as a whole? It is not easy to answer these questions.

The importance of the proletariat is based not only on its numbers but primarily on its rôle in industry.

He continues, on pages 122-123:

This puts the proletariat into a position to be able to stop the functioning of the national economic body, partially or wholly, through the medium of partial or general strikes.

Hence it is evident that, the numerical strength of the proletariat being equal, its importance is proportional to the mass of the means of production it puts into motion; the proletarian of a big industrial concern represents—other conditions being equal—a greater social unit than an artisan's employee; a city workman represents a greater unit than a proletarian of the village. In other words, the political rôle of the proletariat is greater in proportion as large industries predominate over small industries, industry predominates over agriculture, and the city over the village.

He then quotes figures, that in Germany there are twelve and one-half million proletariats; in Belgium, 1,800,000, or 60 per cent of the entire population, all the persons who make a living independently; in England, twelve and one-half million. He does not give the percentage in the United States, but in substance he defines further the proletariat as the body of skilled producers who must use as instrumentalities "the ranks of the parasitic proletariat of beggars and thieves" to accomplish their purposes. He continues, on page 121, this explanation by saying:

This puts the proletariat into a position to be able to stop the functioning of the national economic body, partially or wholly, through the medium of partial or general strikes.

This is the doctrine of the I. W. W., that they can stop the functioning of the productive energies of the country. The proletariat as defined by Mr. Trotzky is the basis or constituency of the workmen's assembly, which was a revolutionary body which overthrew the preceding régime in Russia. The preceding Government is the one to which this administration loaned about \$100,000,000, of which, the last report I read, some \$88,000,000 had been by credit processes transferred to Russia, indicating a net loss under the present conditions in Russia of the entire sum of money. The first thing the new Government promoted by Mr. Trotzky and his associates did was to repudiate all the governmental obligations of preceding Governments in Russia. That included the loan made by the United States to Russia.

I might remark parenthetically here that this is in keeping with the iconoclastic propensities of all this school when they are trusted with governmental power. It is of that species of iconoclasm that wipes out all preceding governments and all the obligations known to civilized government or to civil society.

Now, having accomplished that, they start in anew. Let me from the current news show what the result has been. The present Government of Russia—and future Governments, for that matter—finds itself absolutely without credit in the markets of the world. Not one of its bonds can be sold in any of the great investment centers of any continent in the world. No man, except as a speculation, would buy a Russian bond on the market to-day; nobody would buy a new issue of bonds by the present Government, the basis of which is repudiation of every solemn pledge made by it. More than 40,000,000,000 rubles is the annual expenditure of the present Government of Russia represented by Mr. Trotzky and his associates. The income of Russia, in round figures, is about 3,000,000,000 rubles, and 40,000,000,000 is the annual expenditure. They repudiate every obligation of every public concern; everything in the nature of a public utility in Russia had its entire pay roll destroyed. Hours were shortened, wages were increased; what they called "favorable working conditions" were introduced, with the consequence of every public concern and department of every kind

having its expenditures so vastly increased, without a corresponding increase either in taxes or in visible revenues of the Government, as to spell bankruptcy for both public and private undertakings.

Mr. Trotsky and his associates go further. With him is Mr. Lenin, who is of the same kind, professing the same principles, and, so far as they have any belief, indulging in the same practices. Mr. Lenin has been constantly associated with Mr. Trotsky in governmental affairs since the revolutionary Government was instituted. Both of them constantly refer to what they call "the bourgeois," requiring translation to the ordinary voter in this country. The bourgeois in this country comprises the kind of citizens to which you and I belong, Mr. President. It is what is known as the great middle class of the population; the great body of the people who possess their individual traits, who follow lawful occupations, who keep their families together, who are neither millionaires nor paupers, who are neither tramps nor parasites, following some line of occupation in private life. So the bourgeois of the United States is the only foundation upon which this Republic can endure. The bourgeois is the object of Mr. Trotsky's contempt and is the victim of his murderous propensities when government is actually administered by his revolutionary agents.

The bourgeoisie constitutes the whole of the bourgeois, as a class. Against them Mr. Trotsky and his government level relentless warfare. He says they are the agents of tyranny; that they must be destroyed. He thinks more of the government referred to by the Senator from Washington [Mr. POINDEXTER] yesterday as "a hobo government," and properly so, with all due deference to the dignified and well-considered expressions we ought to use in the Senate. There is no other phase that will so soon reach the consciousness of the American citizen as to call it by its right name. It is the most expressive phrase that could be employed. Mr. Trotsky and his governmental agents would embrace as a long-lost brother every one connected with the hobo government in this country, but one connected with and founded on the self-supporting, God-fearing, industrial middle-class element of the country, who are neither millionaire nor pauper nor idler nor vagrant—for those he has nothing but words of condemnation. It is the middle class, the bourgeoisie, as he defines it, against whom he levels his fulminations and directs his destructive agencies.

The workmen's convention that was assembled was known as the Soviet. That is the body now representing the revolutionary government of Russia. I am taking time, and apparently it has nothing to do with this bill, but I think, Mr. President, it is vitally connected with matters in this bill for the following reasons: I shall, particularly when I speak of the Soviet, say we have some vital connection with it ourselves, and especially in the interpretation of this bill.

On March 11, 1918, the President addressed a cablegram to the Congress of the Soviets. They were the deputies or delegates from the revolutionary class to which Mr. Trotsky and his associates appeal; they are the "Reds" of that country; they are the anarchists, the disturbers, and those who believe in confiscation and repudiation with practical murder. The following was the President's language.

May I not take advantage of the meeting of the Congress of the Soviets to express the sincere sympathy which the people of the United States feel for the Russian people at this moment, when the German power has been thrust in to interrupt and turn back the whole struggle for freedom and substitute the wishes of Germany for the purposes of the people of Russia?

Although the Government of the United States is unhappily not now in a position to render the direct and effective aid it would wish to render, I beg to assure the people of Russia through the Congress that it will avail itself of every opportunity to secure for Russia once more complete sovereignty and independence in her own affairs and full restoration to her great rôle in the life of Europe and the modern world.

The whole heart of the people of the United States is with the people of Russia in the attempt to free themselves forever from autocratic government and become the masters of their own life.

This is signed by the President and dated at Washington. I will read the response of the Soviet. It shows, under the head of my comments, what I call playing with fire, that the President has in his hand a blazing brand and does not seem to know it. It is this that makes it especially pertinent to keep in mind the powerful appeal made by the Senator from Washington [Mr. POINDEXTER] yesterday. Here is the reply of the Soviet:

The all-Russian Congress of Soviets expresses its appreciation to the American people, and first of all the laboring people and exploited classes in the United States, for the message sent by President Wilson to the Congress of Soviets in this time when the Russian socialistic republic is living through most difficult times.

The Russian Republic uses the occasion of the message from President Wilson to express to all people who are dying and suffering from the horrors of this imperialistic war its warm sympathy and firm conviction that the happy time is near when the laboring masses in all bourgeois

countries will throw off the capitalistic yoke and establish a Socialistic state of society, which is the only one capable of assuring a permanent and just peace as well as the culture and well-being of all who toil.

A Socialist of Mr. Trotsky's type is a Socialist of "direct action." The I. W. W.'s are practical Socialists in this country. They believe in "direct action," not in moral suasion, not in mere words, not in the ballot box, but in the "direct action" of sabotage, of the destruction of industrial plants, of resisting even to the extent of the taking of life all authorities who undertake by any means to restrain them in their violent purposes.

Because of this message and the response, I think the President has made an unwise use of the power vested in him, although it is an Executive act, it is true. It is an encouragement to and it is taken as an encouragement by the Socialistic government which is framed and administered in repudiation, in confiscation, and wholesale murder by Trotsky and his associates.

Now, I go further in reading from the proceedings the internal policy of Mr. Trotsky's government, which is that of confiscation:

The rich, who have given their wealth, think the masses will pull them through. Somehow we must uncover the hidden wealth. Otherwise the bolshevik government is bankrupt. The Republic needs 28,000,000,000 rubles annually. Its prospective income is only 8,000,000,000. The hidden wealth must be uncovered and placed at the disposal of the Government.

This is a most cheering prospect for any civilized government to contemplate; that we are encouraging and passively putting our arms about a Government that proposes, not by voluntary loans or by the lawful processes of taxation to obtain a revenue, but to obtain it by seizing and confiscating property wherever it is found. How much better is that than the Kaiser? None. That is the freebooting method of the Kaiser and his military officers when looting of conquered cities.

On the 22d day of February, at a loyalty meeting held in New York, Mr. Gompers delivered an address. He talked to some purpose, as I think. It is in refreshing contrast to the President's recognition, although Mr. Gompers signed a telegram himself addressing his congratulations to the Soviet in Russia. Still no action was taken on that; they simply read it, applauded, and made no reply. Nevertheless, on the date to which I have referred Mr. Gompers made this speech. He made it, referring to the refusal of himself and his associates representing the American Federation of Labor to join with the meeting of so-called workers, delegates at the Labor Peace Conference held in London. Mr. Arthur Henderson is one of the pacifist Englishmen who are quite prominent in this peace move.

The radicals of the Bolshevik—

Says Mr. Gompers—

have not given the people land nor bread nor peace; but, instead of finding the great people of Russia standing erect and fighting for their homes and for their lives, we find them licking the boots of the Kaiser and praying for mercy.

Yes; this radical gang has done that, and to it must be laid the charge of the undoing of Russia.

These are the identical men, Mr. President, to whom the President addressed his cablegram of congratulation.

They are showing their heads here—

Referring to our country—

If the so-called radicals of America could have their way, you would find the people of the United States in the same position as the people of Russia are now.

And then they invite us to peace conferences with representatives of the workers of enemy countries. Why, men and women, the Kaiser would not give a passport to German delegates who would not be bound to do his bidding. He would let no one go to those conferences who was not his minion.

I say to the Kaiser, I say to the Germans, in the name of the American labor movement, "You can not talk peace with American workers; you can not talk peace with us; you can not talk to us at all now. We are fighting now. Either you smash your Kaiser autocracy or we will smash it for you."

Yes, we say to the Germans, "Get out of France, out of Serbia, out of Belgium, and back into Germany, and then perhaps we will talk peace terms with you; but we will not talk peace with you before that is done."

Mr. Gompers and I, as I have said heretofore, have had our differences locally in the middle western section of the country, but on this manly platform which he proclaimed on Washington's Birthday I will join with Mr. Gompers and go to the limit of governmental or military force with him. He is right, he is everlastingly right, in refusing to join with the delegates of our enemy countries, whose sole purpose is to invent a peace without victory in order to weaken the military and naval forces of this country in the successful waging of the war.

In Cleveland, Ohio, on April 20, Mr. Gompers paid his respects to the Socialist Party in a way that I can most sincerely commend. He said: "There is no such thing as an American Socialist Party." Mr. Gompers told an audience of 1,500 at the club there that, "The American Socialist organization is merely

a branch of the one in Germany—it is a part of German propaganda."

In Chicago last fall, at a meeting to advance the cause of preparedness, Clarence S. Darrow made an address. Mr. Darrow before the declaration of war was the leading member in the western part of the country of the Socialist Party. He summed it up, taking the American view strongly in favor of war, by saying, "Every peace movement in the country talks with a German accent." That is the entire story; it is true; and it is what Mr. Gompers referred to in his speech at Cleveland, Ohio, on the 20th of April.

Mr. President, there is some company which unfortunately I find the President has associated with himself; and I shall assume the disagreeable task of describing it. I had just as well mention names. I could generalize, but that does little good. I have already mentioned Mr. Lenine and Mr. Trotsky, and the cablegram of congratulations which, unfortunately, the President saw fit to send.

The Secretary of War is a half Socialist. He is a municipal Socialist, a brand of Socialism with which I might not find any criticism of itself, for many have a measure of that in them; we, perhaps, are in favor of water companies being run by the municipalities where we live. I know I am. Some of us favor the municipal ownership of street car companies. I do not find fault with my friends who hold that view. Some want gas and electric light plants administered by the municipality. So there is in many things a decided measure of Socialism. The public school is Socialistic; the Army and Navy are Socialistic; and so on; they are all joint governmental undertakings. But there is a well-defined limit, a line of demarcation between undertakings of a private character essentially carried on by private enterprise and those of a public character. Each generation will work out its own measure of what Government can do without breaking down. The support of the Socialism that demands that Government seize and operate all the instruments of production and distribution is the course on which Mr. Baker is embarked. It is a dangerous goal.

Secretary Baker is half pacifist and the other half Socialist. When before the Committee on Military Affairs, according to the published hearings, on being reminded of the delays in aeroplane construction, in the preparation of our military forces, in guns, heavy ordnance, machine guns, and the controversy between the adherents of the Lewis gun and the Browning gun, he dismissed the matter with an airy wave of his hand, saying: "There are 3,000 miles between us and the war." Now, after he has come back from his trip, I repeat the hope which I have already expressed that he will have learned what he could have learned without going to Europe if he had only listened to the chairman of the Military Affairs Committee of the Senate [Mr. CHAMBERLAIN], who had been talking preparation for years. The stalwart undertaking of the Military Affairs Committee, to which the Senator from Washington [Mr. POINDEXTER] has frequently added his strengthening purpose, was that we should speed up and we should prepare to defend ourselves even before we declared war.

The trouble is the Secretary of War was a pacifist when he became Secretary of War; he was opposed to war; he proposed to end wars by moral suasion, by peace meetings, by arguments addressed to the justice of men. I hope that such measures will be efficacious at some time, but they are not now. I would rather settle in that way any quarrel with which we have anything to do, for I am not a fighter; but after looking on the face of Sir Douglas Haig, published in the Sunday papers, and the face of Hindenburg, I have made up my mind that there is only one argument appreciated by a man with a face like Hindenburg's—it is the heaviest ordnance we can make and can fire. It takes a gunshot between the eyes to argue with men with faces of that type. It is the only way civilized society can protect itself and that government of the people can endure.

I have no doubt that Mr. Baker has come back with much information, and I hope with a change of heart. I object, however, to educating the men the Government assembles about the Executive after such a long lapse of precious time and at such an infinite cost to the country. The educational processes ought to have been begun or, better yet, completed before such men assumed the robes of office.

Then there is Secretary of Labor W. B. Wilson, another authority and another member of the Cabinet. He made his debut to public notice by being in jail in Cumberland, Md., for violating the laws of the country. He is to be the gentleman in charge of the expenditure of \$60,000,000 for housing and humanitarian purposes, with power to condemn even private residences and turn any member of the Senate out of his home by merely applying to a district judge of the United States court and ob-

taining the approval of the judge before filing the petition for condemnation or issuing an order by which the property is to be taken and you and your family put upon the curbstone.

Mr. FALL. Mr. President—

Mr. SHERMAN. I yield to the Senator.

Mr. FALL. My understanding of the provision now alluded to by the Senator is not that it is intended in any manner whatsoever to correspond to a condemnation proceeding. It simply provides that the occupied dwelling of a Senator or of a farmer shall not be taken by the Secretary by force of arms, as it were, upon 10 days' notice to vacate, but that the Secretary must go to a district or circuit judge, and file a petition stating that it is necessary for him to take that house. Then it does not provide that there shall be any answer allowed and that the case shall be heard upon petition and answer, or that the judge shall fix the compensation, or that a jury shall try the question of necessity but simply that in a summary proceeding, passing upon the petition itself, the judge shall say whether it is necessary. It simply substitutes the word or the action of one judge for the action of one, W. B. Wilson in every case.

Mr. SHERMAN. It requires none of the ordinary safeguards which are thrown around condemnation proceedings.

Mr. FALL. Not at all; it is not a judicial proceeding at all.

Mr. SHERMAN. Merely on petition to a court and the order of the court your private property is under the authority of the Government.

Mr. FALL. In the case of a private occupied dwelling house, it merely substitutes the judge for the Secretary of Labor, with the same powers exactly.

Mr. SHERMAN. Yes; one holds his property subject not to the ordinary process of law, but subject to the appeal of a military officer to any judge in the district to whom he shall see fit to apply. For instance, in Chicago, where we have a number of judges—and the bill does not say particularly what judge shall conduct the hearings—

Mr. FALL. Any district judge or circuit judge.

Mr. SHERMAN. Yes. The application might be made to any one of the district or circuit judges of the United States resident in Chicago or any of the judges who come down from Milwaukee, Wis., or other points, to hold court. Mr. W. B. Wilson himself is a state Socialist as disclosed in many addresses and in many public utterances he has made in the years past; he is as unadulterated a Socialist in all of our domestic affairs as can be found in the purely Socialist camp of any of the organizations in the United States. His arbitrary will is a slight protection for American citizens.

Mr. Burleson, the Postmaster General, is a state Socialist—

Mr. FALL. Mr. President—

Mr. SHERMAN. I yield.

Mr. FALL. I do not want to interrupt the Senator, but the Senator has said that Mr. Wilson is a state Socialist. I can agree with the Senator; but I think that I might go a little further. Mr. Wilson has advanced a theory of state Socialism never before advanced by Marx or by any other state Socialist, namely, that property shall not only be confiscated for the welfare of the Nation or of the community or of the public but that the measure of the right to confiscate such property shall be its profit-bearing character; in other words, that the amount of profits derived by individuals from the management of their private property shall be the measure of the right of the state to take private property away from the individual.

Mr. SHERMAN. Yes, sir; that is correct. When I speak of state Socialism I do not mean State in the narrow sense of our 48 States; I mean that the authority to take over an enterprise, whatever it may be, is technically in the state.

Mr. FALL. I understood the Senator; but I was making this distinction, that no other Socialist of whom I have ever read or heard has advanced the theory that the mere question of the amount of profits derived from the conduct of private property should be the measure of the right to subject that property to seizure by the state.

Mr. SHERMAN. I think the Senator is correct in that. In other cases, where the United States Government is possessed of the power to take over enterprises, the Secretary of Labor would be very well satisfied to have the power exercised by the Government on the basis of profits.

Mr. Burleson himself, in the same sense, is a state Socialist. Mr. Burleson has constantly, by message, report, public address, and otherwise, wherever he has had occasion to express himself, favored the taking of telegraphs and telephones and adding them to the Post Office Department. His favorite obsession is that mentioned by the Senator from New Mexico [Mr. FALL]. It singles out the successful. All who by ability and industry succeed would have the proceeds of their toil seized

by the Government. Such a plan spells the end of progress and enterprise. It is the paralysis of individual effort and the threshold of Trotzky's government.

He in substance says that it is an anomaly for the communication of intelligence by wire, by telephone or by telegraph, to be in private hands. He wants it added to the Postal Service of the country and under his administration.

There is one almost laughable statement contained in his report of 1917, in view of all that preceded it about Government ownership of telegraphs and telephones. Mr. Burleson exhibits a strange lapse of memory or of understanding. In that report he recommends that all of the rural free delivery of the United States be taken out of the Government's hands and farmed out to private contractors under star routes; and he sustains it by the argument that the contractors can do the work cheaper and better than the rural carriers are now doing it for the Government. I agree with him on that as far as the efficiency of the private contractor goes; but it is contradictory to all of his arguments, the reports he has made, and to every utterance on the question he has made since I have known him to be in public office.

I do not think he is a fit person to decide it. He is carrying about to-day, in his private fortune, the proceeds of the labor of Texas convicts in connection with cotton farming on his land in Texas. I know that he will be ill-humored if I refer to that; but, nevertheless, I am prone to do it, because an investigation by the Legislature of the State of Texas showed that his farm was let out, run by convict labor, and that he received a share of the proceeds of the farm. He is the last person in the world to be talking about Government ownership and issuing orders and edicts from his department to the postal employees of this country denying them, in substance, the right to organize themselves to respectfully present their claims to Congress or to the department. Mr. Burleson represents, in a concrete form, labor that has no right to speak. This is another one of the President's advisors with whom he will consult on this bill after the power is delegated to him to consolidate the departments, to transfer the functions of one to the other, and the like.

I spoke the other day of Louis F. Post, who is the Assistant Secretary of Labor. Mr. Post is a single-taxer of long standing. For many years he has preached the beauties of the single tax. He once was in Chicago a great deal, and in the western country. He, in company with various gentlemen of that kind, has been on the lecture platform, and has written many beautiful essays on what the single tax would do to turn this country into an economic paradise. I have seen more prismatic landscapes of an industrial heaven on earth drawn by Mr. Post and his associates than I ever saw in the wildest vision in my sleeping hours. I might add to that by saying that he is a Socialist. He boasts of it in private conversation, and even in public address. He is a Socialist, a state Socialist, and believes in the assumption by the Government or the State of all the essentially private enterprises of the country. He founded a newspaper known as *The Public*, and I quote from one of its issues this statement:

Founded, 1898, by Louis F. Post and Alice Thacher Post. *The Public*: A Journal of Democracy.

Mr. Post thinks just as Mr. Trotzky thinks about the bourgeoisie of this country. He wishes the middle class exterminated. It would serve his purpose if all the millionaires are destroyed, and nothing but the vagrants and the proletariat remained—no middle class out of which you can build a self-respecting republic, out of which institutional liberty can be drawn and maintained by ordinary governmental processes.

It is now said that he has no connection with this paper; and an issue of the paper not many weeks ago, following some comment that I made on that, denied that Mr. Post had anything to do with it. Well, that is entirely to Mr. Post's credit, because the paper under its present management, if it is possible for such a thing to be, is even worse than it was when Mr. Post edited it and owned it. Its editors are headed by Mrs. Joseph Fels, whose husband was known to fame through Fels-Naphtha soap. He died and left a goodly fund for the propagation and explanation of the beauties of the single tax all over this country. After a person gets right well bitten with that obsession, I give up hope. There is no cure for it this side of the grave. It is a pleasing theory; it sounds well; and the greater Socialist a person is the more it appeals to him, because, when it is analyzed, taking away the unearned increment by taxation means taking property from somebody else without paying for it. It is the great economic hobby of these gentlemen, after all, when you boil it down.

So much, now, for Mr. Post. I can not spend more time on him; but *The Public*, this paper, bearing on its caption the fact that it was founded by him, has an open apology and defense of the Industrial Workers of the World. It says:

The I. W. W. is to have its day in court, not alone in the Federal and State tribunals, where some of its members are called upon to answer to the charge of certain alleged crimes or misdemeanors, but in that larger court of public opinion, where the oppressed calls upon the oppressor to justify his acts.

Later on I will insert this in the RECORD. I do not want to take time to read it. This is explanatory of what I wish to say on it. It says, in substance, that the I. W. W. are guilty of nothing; they are the mere audible expression of protest against conditions. They can not help themselves. They are guilty of no crime, because there is an internal force that propels them to do what they do. They are catapulted into the arena of active life, as we usually see them performing, by economic conditions over which they have no control, and of which they are the sole incarnated protest on earth.

This article goes further. It says:

That riots are not primarily due to leaders, but to conditions, and that violence occurs only when the victims have come to feel there is no other way out.

I have associated for part of my life with what are known as alienists almost every day for some years. They are men who study the mind, who know that a man is insane before he knows it himself. Some of them have a tendency to become impractical on worldly affairs. I took up a lecture that one once delivered. He said, "There is no such thing as crime. Crime is only instability of the nervous system, induced by abnormal cerebral conditions, resulting in violent physical manifestations." [Laughter.] This is his definition of crime. That is the definition of this article to which I refer of the I. W. W.'s activities. It is instability of the nervous system. It is not economic vagaries, it is not any desire to commit crime, but it is simply a violent protest against conditions, inducing in them abnormal cerebral activities, resulting in such physical manifestations as burning property and murdering people, as they did in Utah and in California.

They are to be excused, not punished. They ought to be liberated, because they are simply protesting from their inner consciousness against conditions. The same thing destroys all moral responsibility. This is why I believe in Billy Sunday. If there is anything needed in this country now it is a return in the pulpit to preaching to the people the consequences that attend misbehavior in this world and 100 per cent sulphuric hell fire. We must expect to reap what we sow. Sunday is the greatest ally of good government in the United States. We have raveled out moral responsibility in this country. Nobody is responsible for anything; the belief is like this article in *The Public*. Everybody has an excuse. There is no such thing as responsibility for the I. W. W. or for anybody else. We are all Trotskys, according to that article. What we do is based on ungovernable, for which we must be excused.

Let me get some of these I. W. W. documents, Mr. President. They are a beautiful collection. They come from all parts of the country; but I shall content myself with referring to those published in Chicago.

The I. W. W. publishing bureau is at 1001 West Madison Street, Chicago, Ill., and some of them are published at other points, I think on North Halstead Street. They say:

To-day the greatest drama in the history of labor is being staged in this country. It's the right to organize and strike versus the right to slave. Organized capital has succeeded in having indicted 166 members and sympathizers of the Industrial Workers of the World because of their activities in organizing the workers and demanding decent living conditions. They are awaiting trial, and funds are needed for defense. Which side are you on?

Contributors will receive receipt for each remittance and at close of trials an itemized accounting of all funds. Make all money orders and checks payable to the undersigned. Act now!

GENERAL DEFENSE COMMITTEE,
WILLIAM D. HAYWOOD, Treasurer,
1001 West Madison Street, Chicago, Ill.

Here is a chance for some philanthropically inclined person to help out the needy and the oppressed.

Sent out with their campaign material in this propaganda of violence is an article from *The Public* of date November 16, 1917, which follows the same general line of argument as the article to which I referred, that they are merely more or less vociferous and physical agents protesting against existing conditions. There never was a greater falsehood than that contained in the handbill to which I have referred. They are not representing the cause of labor. Mr. Gompers and every one authorized to speak for the American Federation of Labor says that they have no connection with that organization. He not only repudiates them but he criticizes them and their methods. They do not represent any protest connected with the labor cause in Chicago or elsewhere. The 166 men who are on trial in Chicago are charged with what the Senator from Washington [Mr. POINDEXTER] alluded to yesterday. They are specifically on trial for interfering with the draft, for interfering with

the sale of Government bonds, for interfering with the progress of the war under the espionage act.

Here is another pamphlet, with an I. W. W. looking out from behind bars in a cell; and it says on the front page, where this picture appears, "We are in here for you. You are out there for us." It appeals, of course, for money to defend them, that they may be out again, interfering by their activities with the progress of the war. That is what they are in jail for.

Coming in the same mail, both from Chicago and from New York, is an appeal from the single taxers likewise for contributions to spread the glad tidings abroad. These single taxers use almost the identical argument made by the I. W. W.'s. They incite hatred of the laws and institutions now existing. They are another cult that need looking after occasionally.

Here is yet another of the trusted friends and advisors of the administration, Frederick Howe, of New York, commissioner of immigration, at \$8,000 a year, at Ellis Island. I do not know whether any Members of the Senate have read Mr. Howe's book on "Socialized Germany" or not. If you are interested in that subject, it is a prolific matter, furnishing original information about Mr. Howe. Several years ago I went around on Thursday nights to a place where the Socialists have a hall, back in my country. They have a meeting there every Thursday night. The first time my attention was called to Mr. Howe's book was when I listened to a speech by a long-haired, somewhat ill-clad, oppressed victim of society. I would reckon by ordinary computation that he had had but one bath in his life, and that was the day he was born. Before he got through he was quoting liberally from Mr. Howe's book on "Socialized Germany" as the greatest book ever written since the days of Karl Marx, and he said that even August Bebel used it. Mr. Bebel died a few years ago. He was the living, incarnated voice of socialism in Germany, following out in practice Mr. Marx's theories. I presume that Mr. Howe, who has charge of immigration, would never find anything the matter on the educational test with anybody that understood the principles of his book. That would be a never-failing test. A man would possess great literary ability if he could read and expound it; and he could do more than any sane American citizen of the United States can, because nobody that has any practical sense could tell what it meant. I can see how it appeals to the average German metaphysician, because when they get through expounding something nobody can ever understand it; the problems they undertake to elucidate are not half so intricate as the explanations they give of the enigma to be solved.

Here is another. I do this with some reluctance. I refer to John H. Walker. Mr. Walker is the president of the State Federation of Labor of Illinois. Mr. Walker comes down to Washington and elsewhere. He takes occasion to go upon the platform and make patriotic speeches. I can join with Mr. Walker in doing that. There is no question between us there. If Mr. Walker would only be consistent, so that I could understand in what direction he was traveling, I would have no objections to him. The trouble is Mr. Walker talks at one time for the country and at another time against part of it. I find by referring to the report he made that he is a member of the President's mediation commission. This is a lawful body, and they have on several occasions reported to the President on a great variety of subjects. This report of January 9, 1918, contains in it the same apologies for the Industrial Workers of the World that the article from The Public contains—that the Industrial Workers of the World are only in a practical way making audible their protests against existing conditions. I refer to those matters and will at the conclusion of my remarks ask that they be incorporated in the RECORD without reading. Mr. Walker is a member of the committee on labor of the advisory commission of the Council of National Defense. I find his name in the membership list published by the Government Printing Office in 1917 as "John H. Walker, president Illinois State Federation of Labor."

Who is Mr. Walker? Mr. Walker at home is a Socialist of the most radical type, a member, a leader of the Socialist Party. He has done more to spread socialism in the Mine Workers' Union of 100,000 members in Illinois than any other one man in that country. He is a Socialist, in my opinion—I state this only as my opinion—who is in favor of direct action. I base that inference on his conduct. He does not preach that in Washington, but he practices it at home.

I now read from an article signed by Mr. Walker, of January 6, 1918, and published in the Springfield News-Record, of Springfield, Ill. There has been a strike for over a year in that country, involving by sympathetic action all the allied branches of industry, and some of it going far beyond the limits of central Illinois. It began in a street railway strike, and the sympathetic action of various unions called out coal miners, grocery clerks, gas and electric light workers, every-

body in all of the factories of that country, and for some days last summer and fall industry was entirely tied up. During that difficulty two cars were dynamited. Six persons were injured, and it was only good fortune that they were not blown into atoms. If the dynamite had been on the side of the car where the people were sitting, it undoubtedly would have killed them, because all of that side of the car was torn out. The companies concerned have repeatedly offered to arbitrate the question of whether there should be recognition of the union, hours, rate of wages, and terms of service. That has been repudiated by Mr. Walker, acting as the advisor of the local unions, with his associates. He asserts falsely in this article that the men are fighting for the right to organize a union. Nobody ever denies that in that country. That is conceded. What they do not concede is that a man must join a union to earn a living in this world. That is the bone of contention.

While the strike was on an order was obtained from the circuit court for that district restraining anyone from interfering with the property of the company. Some people violated that order; whether under Mr. Walker's associates' advice or not is not recorded now. They violated the injunction. They were sent to jail, and various penalties were inflicted on them then and afterwards, because of the contempt proceedings. They were tried by jury. Here is what Mr. Walker says in respect to the courts of our country. The judge who presided at these trials I have known for 30 years. He is as upright and humane a judge as ever administered a system of jurisprudence in an English-speaking country. Mr. Walker says, referring to the companies, that they have—

domineered and tyrannized over them—

The employees—
worse than any Simon Legree ever did over his slaves; their action has degraded and prostituted our courts, made judicial harlots out of our judges, and resulted in those courts and judges and county officers—

Referring to the sheriff who prohibited riotous assemblies in the area concerned in his jurisdiction—

denying the workers their rights under the law—courts and county officers that swore to uphold them.

He said, further:

It took the mine workers of Illinois nine months in 1897 to force the coal operators to do the right thing. It took them 10 years to put Sam T. Brush out of business. * * * By pursuing the same methods we can do the same thing.

At this time I wish to speak of the Brush affair briefly. In the strikes resulting from that trouble, 40 persons were killed in cold blood. A large part of the country was under martial law for weeks. Mining property was blown up; tipple were burned; men to-day in Illinois are carrying wounds upon their persons, and will take them to their graves, who were assaulted and beaten while peacefully pursuing their lawful occupations. These are the methods that John H. Walker commends, and advises his strikers to resume in Illinois, where 100,000 men are engaged in mining coal in their normal activity, and where hundreds of thousands more are engaged in making war materials. He advises them to renew the strike, and I have a report from persons making an investigation, to which I shall briefly allude, but take no time more than to say the report made by a patient investigation shows that they are preparing a strike now; that Mr. Walker is active in instigating this strike and preparing for the resumption of the violence and destruction by dynamite of property, the murder of peaceable men in Illinois in his jurisdiction, as the president of the Illinois State Federation of Labor. He, the adviser of the President on the mediation commission and a member of the labor committee of the National Council of Defense, goes upon the platform and makes patriotic speeches.

Patriotic is as patriotic does; and I ask Mr. Walker next Sunday, when he takes me to task for what I have said, in a date that he has, to answer these charges. I ask him to say whether he will pursue the course of a peaceable citizen and by his activity undertake to reduce lawlessness to a minimum and prevent those who listen to him from dynamite and violence and murder. If he can not do that then he is not fit to be an advisor of the President. I am trying to protect the President from the men who have thrust themselves about him and who I think are responsible for many of what seem to be official vagaries of his.

I do not care to say very much of Frank P. Walsh, of the industrial commission. He has said enough. It would be time wasted and love's labor lost. The chairman of the industrial commission appeared before the resolutions committee of the Democratic National Convention at St. Louis in 1916 with a socialistic platform of his own. He sought to force it upon the Democratic Party. It is to their eternal credit that they refused it. I do not know what the future issues may be, but I know there are such elements in the Democratic Party that

in the years to come, if some of my associates and myself are spared, we may be found touching elbows in the same common cause. It is against the firebrands of disorder, those who seek to destroy the restraints of civil society, and, as the Senator from Washington [Mr. POINDEXTER] said yesterday, to put the bolshevik, of which there is an element of uncertain numbers in our country here, in control of the Government.

Here is another and a very distinguished citizen of my country—a neighbor of mine. I speak of him in no uncomplimentary way, the Assistant Secretary of Agriculture, Mr. Vrooman. Mr. Vrooman is mildly Socialist. He does not believe in direct action. Far from him, he would never hurt anybody. He is in the same frame of mind that the woman was when an inconsiderate friend committed suicide in her parlor.

The coroner in holding the inquest lifted up the body and the woman said, "Well, well, the thoughtless creature has ruined my fine Persian rug. Why could he not have bled somewhere else?" Mr. Vrooman would not hurt anybody. It would spoil the dilettante sentiment that he has. He wishes to argue the thing out. He is pacific in his nature. A kindly gentleman. An estimable man. He never wishes to hurt anybody. He is a parlor Socialist, but is the Assistant Secretary of Agriculture; he is giving advice to the President, and he can add his mite to the general verdict of this group that surrounds our President.

Here is another of whom, no doubt, many of us have read who has been recently added to this coterie of economic advisers—Roger W. Babson, of Massachusetts. Mr. Babson is like a good many who deal with statistics a long time; they become temporarily bewildered when they must do things. Mr. Babson has lost his rudder in the deep sea of statistics and he has not got his soundings yet. On practical matters I can not but think of him as unsafe an adviser as there is in the world. If you give him a row of figures with some statistical observation of what he calls sociology and tell him to work on it, he can produce beautiful results on paper; but I would rather take an old granger or a man running a poultry yard for practical purposes, or a cowboy in the Southwest, to get good government out of a given number of people than all the Babsons you can collect from now till the end of time.

Here is another. Here is Mr. Townley. Mr. Townley came here not long ago and talked with the President. Mr. Townley was a much maligned individual. Mr. Townley had been aspersed. Mr. Townley had been indicted. He had been falsely charged with being an enemy of the Government. He informed the authorities here, so I learned, that he was strictly loyal. What he was doing was trying to rescue his constituents from the monopolies of the Northwest, among whom were not only mills and millers but the great mercantile enterprise, the carriers systems, and especially the great iron and steel industries of the northern peninsula reaching over into Minnesota.

I can begin to get a little light on Mr. Townley, and I think the rest of us can if we just keep in mind and watch his maneuvers. Michigan and Minnesota are the great sources of iron-ore supply in this country. He is trying to establish himself in that immediate neighborhood. That is where he can marshal his forces and start trouble in the iron-ore country, interfere with the barge service, tying it up in a strike at this great source of supply. One of the things that Mr. Townley is concealing is the claim that he is representing the farmers of the country—the oppressed farmer. As a matter of fact, I charge here on my own responsibility that Mr. Townley represents pro-German influence in this country, and he has German money in some place that inspires his activity, and at the right time there will be a strike in the northern peninsula, from which we draw our supplies of iron, when it will cripple us most.

Mr. Townley in bankruptcy proceedings is an eminently successful man. He accumulated \$80,000 worth of debts with \$500 worth of assets. Anybody who can do that is something of a genius, I admit; but his creditors thought that it was unkind of him not to think of their interests more. On the hearing he disclosed no visible assets. That is a chronic condition with most of these reformers. There is none of them who has any asset but language. They pay a debt by the statute of limitations or by bankruptcy. I never knew one of them who could do otherwise who makes such claims as Townley.

Here is another Mr. D. C. Coates. Mr. Coates was lieutenant governor of the State of Colorado during the exciting administration of "Bloody Bridges" Waite. We all remember "Bloody Bridges," a unique figure among the coterie of governors in the various States of the Union elected that year, and all of them had their fads, among others Mr. Coates.

Mr. THOMAS. The Senator is mistaken as to the time when Mr. Coates was the lieutenant governor. It was not during the administration of Waite but of Gov. Orman, some years later,

Mr. SHERMAN. Well, he was an associate and friend of Gov. Waite. I thank the Senator for the correction.

Mr. THOMAS. Yes.

Mr. SHERMAN. I remember one occasion when I was out in the mountains there was a meeting at Colorado Springs, and both those distinguished gentlemen were in close communication with each other. It was the first time I ever saw either or both of them. I remember Mr. Coates from that time, and I have been somewhat interested in his governmental activities.

Mr. Coates is credited by many with being one of the leading lights in the Non-Partisan League of which Mr. Townley is the head. I do not know whether he is indicted with the rest of the distinguished gentlemen or not for interference with war matters, but at any rate he has received some considerable attention.

I have read the platform of the Non-Partisan League, and it is a very singular affair. It is hedged about with a great many phrases which I think are intended to conceal its main purpose, but lurking through it all there is a sort of a language that reminds me that mentally Mr. Townley and his associates—Mr. Le Seuer, the secretary, I believe, of the organization, and Mr. Coates—are just like Mr. Trotsky. They think the same way, and in their platform concealed carefully are some of the same revolutionary sentiments. The Non-Partisan League later, when it can safely do so or it has enough safety guaranteed to it, will be found producing the same revolutionary principles found in Mr. Trotsky's book headed "Our Revolution." In a speech at Jamestown, N. Dak., June 11, 1917, Mr. Townley said:

Why should we buy liberty bonds when the Government makes us pay enormous profits for equipment to run our farms? Take the profits from "Big Biz" to pay for the war. We'll never get anything from the Government for anything that we do in this struggle. Why should we help the Government when they won't help us?

This was after the United States declared war. These are some of the men whom our beloved Chief Executive has about him. I think he ought to get rid of them. When you ask me to vote blanket power to a President to transfer functions of the vast, undefined character in this bill I want to know what kind of men he has collected about him to administer the great powers of a free Government. I want some of these distinguished worthies dismissed from their station before I trust more power into the President's hands. If further power serves to collect more such advisors about him, he increases our danger when our supreme test against German arms and German intrigue comes. Government very largely takes its practical aspects from the agents who administer it. You can not separate government from human agency. These mortal habitations of ours that we dwell in for a brief period are the only physical tokens by which practical government is administered among men, and these men the President has about him, and I have not taken them all, but such of them as would illustrate what I meant, are unfit to administer government.

I shall not go into any discussion of the so-called Farmers' Non-Partisan League because that is a matter that would take too much time, but I shall at my conclusion add certain of these documents to the CONGRESSIONAL RECORD without reading.

I conclude with Mr. Townley with the following statement which illustrates a great deal. He spoke at Butte, Mont., five times with Frank Little, an I. W. W. agitator in that country, to whose subsequent misfortune I need not allude. You know what he was there for. Mr. Townley advocated on the platform in the hearing of living witnesses and by the current press reports from that country the same principles as Frank Little and for which he was hung by an indignant vigilance committee trying to preserve order and avoid bloody ruin in the Butte and surrounding mining country. That is Mr. Townley. That is one time that his camouflage did not hide him. He was caught in bad company, and if Mr. Townley had not been able to buy a railroad ticket and beat a hasty retreat he might not now be president of the Nonpartisan League declaring against various alleged evils in this country.

I shall leave Mr. Townley at this point. Probably I have, to use a homely phrase, dug up more snakes than I can kill now in one day.

Mr. WATSON. Mr. President—

Mr. SHERMAN. I yield.

Mr. WATSON. Does the Senator recall the fact that Mr. George Creel had Mr. Townley over here and that he got for him an engagement to speak at Rochester, N. Y., and another to speak in New York City, and afterwards brought him here and took him to the White House?

Mr. SHERMAN. It had escaped my memory until the Senator reminded me of it. I thank him for doing so. I paid my respects to Mr. Creel on several occasions, and I omit him from the roll of honor which I have prepared here. It would be a

very pleasing task on some summer afternoon to dissect Mr. Creel. I think as a political anatomist I might possibly do him justice. I could exhibit his framework and motives and the like with probably fair accuracy. He reminds me a good deal when you get to working on him of a letter published in the hitherto unpublished letters of Lincoln. Lincoln wrote a letter to one of his friends once talking about a horse trade. I do not know whether any of you ever read it. It was all new to me. He spoke about the guarantee of a horse in a horse trade. We all know what that means.

The guaranty given would apply to George Creel—warranted "sound in skin and skeleton and free from faults and faculties." That is the utmost that could be said about him by his friends. I do not concede that he has not faults like the rest of us. He has them. But I think some of them are somewhat reprehensible and ought not to be found in a public officer charged with such responsibilities as he has.

Mr. Creel is a Socialist of the most pronounced type. Mr. Creel I have already stated has abused this Government, its Constitution, the conscript fathers who wrote it, the courts of the country that have expounded it, and the judicial tribunal of the United States of last resort, holding its sessions within a few hundred feet of this Senate Chamber, he has denounced as conspirators in the original plan of writing a Constitution by the rich men of the country and then interpreting it and applying it so as to preserve and protect the lawless rights of plutocrats. He ought to be where Trotzky and Lenine are. He deserves honorable mention in "Our Revolution." He has all the elements of a Red, of a destroyer of civil society, one that dissolves all the restraints of communities and the protection of persons and property.

Mr. WATSON. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Illinois yield to the Senator from Indiana?

Mr. SHERMAN. I yield.

Mr. WATSON. I presume the Senator read an article in the morning paper headed:

SAYS THE MASSES GOT CREEL'S O. K.—NOT A WORD RAISED AGAINST JUNE ISSUE, MANAGER DECLARES.

NEW YORK, April 22.

Circulars which C. Merrill Rogers, as business manager of the Socialist magazine, *The Masses*, sent to prospective subscribers and to news dealers, in which the writer declared the periodical was going "to fight conscription and its attendant evils," were introduced in evidence to-day at the trial of Rogers, Max Eastman, Arthur Young, and Floyd Dell on charges of conspiring to impede operation of the draft law.

A statement that George Creel, chairman of the Committee on Public Information, approved the publication of one issue of *The Masses*, a copy of which is in evidence and is alleged to contain matter found objectionable by the Government, was made by Rogers.

In that issue of *The Masses* was the statement that they were going to fight conscription and its attendant evils.

Mr. SHERMAN. That is entirely in keeping with everything that I ever know George Creel utter on a governmental question. I thank the Senator for adding that to the list of Mr. Creel's qualifications as a public censor that he has already proven to possess.

I am satisfied, taking it in the entirety, that Mr. Creel has indorsed most of the suppressed publications. There are certain ones, though, that have access to the Government postal facilities that I find myself entirely unable to explain. There is one called *The Eye Opener*, published at North Halstead Street, in Chicago. I have a copy here of the last issue of *The Eye Opener*. It is certainly an eye opener on Mr. Burleson. It is in open hostility to conscription. It is in open hostility to the prosecution of the war. It is shouting the false cry of peace. Still it has access to the mails. It came to me in my office by the ordinary postal facilities of the country. But it is a good socialist sheet. It is preaching socialism. It speaks of socialism as the taking over by the Post Office Department of the telegraph and telephone and everything else; anything that does that is instantly shriven of its sin by Mr. Burleson. That is the milk in the Burleson coconut when you get at it.

I found this in the address of my colleague, Senator LEWIS—and I regret he is not here. While we get along very harmoniously in our personal relations, back home we take occasion to differ from each other quite violently at times. He used this expression in his address, found on page 4968 of the CONGRESSIONAL RECORD, under date of April 13, 1918, which was the date of the publication. His address was made April 11, 1918:

He—

The President, speaking of him—

has no private purpose to serve; he has no political object to benefit.

Senator LEWIS continues, who undertakes for political advantage to oppose the measures of the President will have an indignant constituency with which to reckon. My colleague [Mr.

LEWIS] is one of the ablest men of the Democratic Party in the West.

All of us in our respective constituencies must finally face the multitude; most of us are accustomed to it from early life, and the more the multitude the better. I am willing to face the constituency in which my colleague will, I hope, be a candidate. He deserves, by his distinguished service here, the nomination if he wishes it. I am willing to try it out on the issue which he raises in the CONGRESSIONAL RECORD, and I will try it out on the record that has been made up to this time, with such sundry additions as the mistakes of my distinguished colleague and his organization may make hereafter.

When I speak of this in connection with the pending bill, Mr. President, I have no purpose of making a partisan reflection on any of the war powers of the administration in its prosecution of the war. That is a matter that is entirely nonpartisan. There has been no partisan division here on that question, and there will not be. If the President was of my political party, I would differ from him if he undertook to do these things just as often as I differ now. Most of my difficulties in my own country have been because I did not take orders from governors of my own party in that smaller jurisdiction. I would not take a President's order any more than I would take a governor's order. I may be wrong, but I accepted the responsibility for my errors and expiated it by the usual political punishment, if at all, inflicted at the ballot box. I do so now.

I notice on the 13th day of March, 1918, by numerous press reports SCOTT FERRIS, of Oklahoma, Member of the House, chairman of the House Committee on Public Lands, had been elected chairman of the congressional campaign committee, and that it had been organized—he succeeding a former Member of the House—by the election of a full corps of officers. That made a political organization committee all of whom were either Members of the House or holding public office in this administration, whether in the House or elsewhere. I shall insert that in the CONGRESSIONAL RECORD at the appropriate time at the close of my remarks, which I hope to draw to a close very speedily.

Joseph E. Davies resigned from a public position in Washington. In a letter to the President under date of March 12, 1918, he gave his reasons for resigning. He wished to become a candidate in Wisconsin for the Senate. He was nominated by his associates. The President in his reply to him named certain proceedings which are in the letter which I shall ask to be printed in full at the end of my remarks, among which is the McLemore resolution.

"The acid test." I presume I voted myself in favor of the McLemore resolution when it came up through the motions made by the Senator from Oklahoma [Mr. GORE]. Excepting that I have voted with the President on all the other issues which constituted the acid tests.

I have here a list of those who met the acid test of my Democratic brethren, not of ours, since that is immaterial. I have a list of those voting against the motion to table the McLemore resolution in the House on March 7, 1916, which is one of the "acid tests." All of these on the list here were renominated at their respective party primaries and reelected at the November election, 1916. There is BLACK, of Texas; BUCHANAN, of Texas; CHURCH, of California; DALE, of New York; DECKER, of Missouri; EAGLE, of Texas; FLYNN, of New York; FOSTER, of Illinois; HAMILL, of New Jersey; HENSLEY, of Missouri; KEATING, of Colorado; LOBECK, of Nebraska; McLEMORE, of Texas; SHALLENBERGER, of Nebraska; SHOUSE, of Kansas; Sisson, of Mississippi; SLAYDEN, of Texas; SMITH, of New York; STEPHENS, of Nebraska; VAN DYKE, of Minnesota. Fitzgerald was elected and resigned to go into a more profitable employment. This is sort of ex cathedra, but I understand it was to become attorney for the Alien Property Custodian, with a guaranty of \$15,000, together with such incidental perquisites as will come along in private practice not connected with the public welfare.

As I remember, three others resigned from the House, all of them to take appointments under the city administration in New York of a profitable character. But here is the list, and every one of those Democrats whose names I have read voted against tabling the McLemore resolution. There is McLEMORE himself. He does not represent a district; he represents the whole State of Texas. The entire dignity and traditions of the Alamo and of the Lone Star centered about his predestined brow. He was nominated in a primary covering the whole State of Texas and elected in the same way, and he is the author of the obnoxious resolution which constitutes an essential element of the acid test.

The gentlemen whose names I have recited are all sitting members of the majority party in the House of Representa-

tives, and all of them voted not to table the McLemore resolution, which was the test in a parliamentary way whether you were for or against the resolution.

Now, here is my esteemed friend William Kent, who used to live in Chicago, and whose father lived there before him, whom I knew, attracted by a genial climate, went farther west than most of us, and he landed in California. I find in the list that Mr. Kent voted against tabling the McLemore resolution. That constituted the acid test. It would not make any difference with Mr. Kent, for he is an independent and votes as he pleases. That means he uses his own judgment on things of that kind, for which I respect him, but it was the acid test applied to him. How was it applied in that liberal, statesman-like, broad, catholic spirit that led to Mr. Kent's appointment on the Tariff Commission as one of the essential results of the acid test? Thus it is that great reformers by this practical operation of the choice of human agents constantly lose their civic chastity.

Again, the President wrote a letter to the State committee in Newark, N. J., under date of the 21st of March, 1918. In that he set out at some length the necessity of electing Democratic candidates, just as he did in Wisconsin of electing there the Democratic candidate for the Senate, as a means of carrying on the war. I have no objection to prosecuting the war, but in this instance I differ from the President as to how to carry on the war. I insist on electing men of my own political persuasion as one of the proper means of carrying on the war, just as my Democratic brethren have the same right to insist on their method of carrying on the war by electing Democrats. In this he uses the following language—and I shall insert all of this at the end of my address as well as the others I have referred to:

The old party slogans have lost their significance and will mean nothing to the voter of the future, for the war is certain to change the mind of Europe as well as the mind of America. Men everywhere are searching democratic principles to their hearts in order to determine their soundness, their sincerity, their adaptability to the real needs of their life, and every man with any vision must see that the real test of justice and right action is presently to come as it never came before. The men in the trenches, who have been freed from the economic serfdom to which some of them had been accustomed, will, it is likely, return to their homes with a new view and a new impatience of all mere political phrases, and will demand real thinking and sincere action.

What does that mean, if it means anything? "Economic serfdom!" What soldier ever was in economic serfdom before the war? What man was in economic serfdom? Who was oppressing them? There was no oppression in this country except as Mr. Trotsky sees it.

I can understand why the President is tolerant with this group of single taxers, of these economic freaks of all kinds with which he has surrounded himself; those of various kinds of opinions, infested with vagaries of all their species, gentlemen who have hobbies which they mount and ride persistently, reaching nowhere, it is true, but in the main creating a most infernal din about the Executive ears, making it impossible for him to obtain a clear hearing on the current issues of the day. Economic serfdom! That sounds like Trotsky; that sounds like "our Revolution"; and I can understand why this peculiar bunch of mysterious wizards are about the President and why he tolerates them. It is because they pour into his willing ears the stories of "economic serfdom." I suppose after a while they will be talking about "our Revolution," at the opportune moment.

These things preceded the nomination of Mr. Davies. Then, our respected Vice President—for whose fairness as a presiding officer I have the greatest admiration and respect—became interested. He took it upon himself—which was entirely proper—to go to the State of Wisconsin in Mr. Davies's behalf. I can excuse him for doing so. He was requested, no doubt, by the proper campaign authorities to pursue this line of activity. He is a strong campaigner and a party leader. Then, who could resist following the parti-colored oriflamme of my beloved colleague [Mr. Lewis], who had preceded him in that part of the country, shouting the familiar slogan, "Stand by the President and stand by the war"? He would inspire to action the most phlegmatic or indifferent by his ringing appeal. So the Vice President made his appearance. At Madison he used this language—and I verified it; it was the usual press report that went out from the Associated Press, and the local papers published it as well, both in Milwaukee and in Madison:

Our State of Wisconsin is under suspicion. The law of politics is that so far as usefulness is concerned you may as well have a bad character as to have a bad reputation. You Republicans have made the issue here in Wisconsin. If the vote at the primary is based upon the charges and counter charges that you have made against one another, you are about half for America, half for the Kaiser, and all against Wilson.

Your self-appointed leaders are now trying to convince the loyal half that the really important thing is not loyalty or disloyalty but party success. Having purified the stream in the primary you welcome the sewage to help you over the election.

My beloved colleague [Mr. Lewis], speaking at Appleton, Wis., said:

The President at this crisis is entitled to one of his party organization and one who is his personal friend. Will Wisconsin not yield of party pride to do this bit of political patriotism in this hour calling for sacrifice that the Nation may be saved?

Saved by electing the Democratic ticket! You can not wage the war except by electing Democrats. Well, everybody knows on this side of the Chamber that there is no issue of that kind raised; so do my good friends on the Democratic side of the Chamber know it. They do not talk that here to any of us; they know better. There is not a vestige of politics here on war questions, but on consolidation bills of this kind that are presented here, with these blanket powers, we want to know that the executive department will not consider that the exercise of these powers is necessary in a partisan way in order to meet the emergencies of the great campaign. I want to know when this happens whether the departments here, under this measure, will be consolidated into one or two men—the Secretary of the Treasury, the Federal Reserve Board, the national banks, the public utilities, the War Finance Commission, the Panama Canal, 250,000 miles of railway, and the industrial enterprises of the country? Shall all of them be united in one head?

The Secretary of the Treasury was in Texas a few days ago. The head of this mighty and potential enterprise visited all of the people; and men, women, and children with loud acclaim heard him and saw him. He has been in various parts of the United States. The convention of lecturers was here on the occasion when Mr. Creel delivered himself of his civic beatitudes.

Do you know what a number of them were doing in the back rooms in Washington? They were going over a political catechism; they were using their activities for war bonds to conceal their political activities, and they had a general review, and they are preaching it now and using it. I do not blame them for it; it is not the primary purpose, it is true, which is to sell bonds. I suppose the Republicans are going around on the same mission to see their political friends. One is no better than the other in that particular. I allude to it for the purpose of showing that under the blanket powers of this bill the Secretary of the Treasury may seize, by an Executive order, all these lines of activity. Then, when that is done, what will be the result? I am moved in a somewhat irreverent way to say, when that is carried out public office becomes a family trust.

Again, after the election was over, after the cry of the combat had died away, after the captains and the kings had departed, after the tumults of the great deep were stilled and the returns were all in, of course there is always a post-mortem to be held. It would have been a good deal better to have followed in that particular the advice of an old country doctor, when he said it was a good deal better to hold a diagnosis before an operation than it was a funeral after you had performed one. Ignoring this a political disaster resulted in Wisconsin. It shows, Mr. President, that these outside organizations persist in thrusting partisan politics into these affairs. After Senator LENROOT was elected this was given out by the national Democratic committee:

DEMOCRATIC NATIONAL BODY DECLARES LENROOT WON BY LA FOLLETTE MEN'S VOTES.

A press dispatch from Milwaukee says that Mr. Davies, the Democratic candidate for United States Senator, sent the following message to Mr. LENROOT yesterday, congratulating him on his election:

"Present returns indicate your election. Please accept my personal congratulations upon this great opportunity thus afforded to you for service to our State and to our common country in these serious and momentous times."

The following statement, on behalf of the Democratic national committee, authorized by the chairman, was given out at the national headquarters of the committee last night:

"Wisconsin is heavily Republican when the LA FOLLETTE faction is cooperating with the 'stalwarts.' The senatorial primary vote demonstrated that these factions were about evenly divided; hence Mr. LENROOT, the nominee, recognized that he could not be elected without securing the LA FOLLETTE vote which had been cast for Thompson in the primary."

"In the primary contest Mr. LENROOT made his fight upon the 'loyalty' issue. After the primary he and his supporters sought to bring both factions together in complete accord, arousing partisan feeling in every possible way, even to the extent of courting the LA FOLLETTE and pro-German vote within the Republican ranks."

ACCUSE NATIONAL ORGANIZATION.

"Authoritative statements in eastern newspapers assert that this change of tactics by Mr. LENROOT was advised by the Republican national organization. The circumstances of the case need no comment. It is sufficient to say that if the national advisers of Mr. LENROOT deem party unity so essential that they are willing to advise compromises with and concessions to Mr. LA FOLLETTE and his associates, success in Wisconsin won in that way will prove a very costly victory."

"We are gratified that Mr. Davies made no overtures for the support of the pro-German vote, offering no opportunity for its cooperation and deliberately spurning it throughout his entire campaign. He stood for 100 per cent Americanism and typifies that character of one citizenship, whether in Wisconsin or in any other State. The Wisconsin campaign has made the issue and we welcome it. This issue, which brought victory of doubtful value in this contest, will return again and yet again to plague those who have made it."

So that these political issues are injected not with our consent but in spite of it.

Mr. FALL. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Mexico?

Mr. SHERMAN. With pleasure.

Mr. FALL. Before the Senator leaves this particular subject, as the Senator's fund of information is so enormous upon almost all subjects of our contemporaneous history, particularly political history, I wish to refresh the Senator's memory by a suggestion from the declarations of one of our great writers. Dr. Woodrow Wilson, upon the subject which he has just been discussing, namely, the interference of the President in the matter of elections. In his Constitutional Government, on pages 71 and 72, I find the following, and I simply wish to call it to the attention of the Senator, because I know he is familiar with it.

Mr. SHERMAN. I will be very glad to have the Senator do so.

Mr. FALL. In that work the distinguished author says:

There are illegitimate means by which the President may influence the action of Congress. He may bargain with Members not only with regard to appointments, but also with regard to legislative measures. He may use his local patronage to assist Members to get or retain their seats. He may interpose his powerful influence, in one covert way or another, in contests for places in the Senate. He may also overbear Congress by arbitrary acts which ignore the laws or virtually override them. Such things are not only deeply immoral, they are destructive of the fundamental understandings of constitutional government and, therefore, of constitutional government itself. They are sure, moreover, in a country of free public opinion, to bring their own punishment, to destroy both the fame and the power of the man who dares to practice them. No honorable man includes such agencies in a sober exposition of the Constitution or allows himself to think of them when he speaks of the influences of "life" which govern each generation's use and interpretation of that great instrument, our sovereign guide, and the object of our deepest reverence.

Mr. SHERMAN. I am very glad to have that added to the comments I have been making, and I thank the Senator from New Mexico for producing it; it is material. I have no criticism to make of the President for departing from the salutary doctrine announced. I have known a good many persons who write one way and act another. In his early life I knew a spring poet to do the same thing. He wrote beautiful poetry, but he married a widow, and after that he became very prosaic and practical. He took what Tony Weller, in the Pickwick Papers, calls "the cure for the gout," and it cured him completely. Senators remember that Weller on one occasion made the remark that he had a sovereign remedy for the gout. Mr. Pickwick pulled out his memorandum book, got his pencil, and said: "A sovereign remedy for the gout! Let me have it please." He was suffering very much from the gout himself; he was a good liver, as Senators will remember, and he always traveled with a well-filled hamper of his own. He began to prepare for the memorandum. Weller said: "Widders will cure it. Gout is a disease as arises from too much ease and jollity. Just marry a widder with a strong voice with a decent notion of using it and you'll never have the gout again. Widders, taken regularly, will cure it, because you will never have any more after you take them. I take 'em regularly." So the poet was cured.

Electing a man President of the United States will cure him of the vagaries he had as an author; that is perfectly natural. I do not criticize the President on that account; it is only human nature. When a man sits down in his study, having had no experience, and writes something he very largely theorizes, but when he begins to act with human beings he finds that many theories will not work; you can not make human beings fit theories; you must make theories fit the human being. That is what our President is doing now; he has turned around and reversed operations in his dealings with men. Most of us by the time we reach this body or other public office are, for better or for worse, what we have grown to be; we are not going to change; we will do the best we can with the talents our Maker has given us, but one must take men as he finds them.

So the President is doing the best he can. What I want him to do is to scatter this bunch of economic fakirs and howling dervishes that he has around him now—firebrands and pestilential fiends of sedition themselves. Alien and sedition act! Why, what the President wants is not more legislation, but he wants to use the powers he has now to get the instruments

of sedition away from him. Why does not he instruct his Attorney General to inject vigor into his prosecutions? That will do more good than 100,000 hardened troops around Washington now, and more than a million later on after the Bolsheviks have been well organized in this country and our revolution may be duplicating what Mr. Trotzky framed up in his country. The Attorney General lacks drive. He prosecutes the little offenders—the big ones escape.

Recurring again to this political matter, here is a document that was placed in the Record by a Representative from Wisconsin which I think is not justified as a matter of campaigning; and I have a right in connection with a bill of this kind, inasmuch as power has been used in that way, to think that the power delegated by this bill might be used improperly. Here is a circular, or an advertisement, from the columns of a Rockford, Ill., paper—and Rockford is near Camp Grant—which was addressed to the Wisconsin soldiers at Camp Grant.

This advertisement was published without any signature. In Wisconsin the person who inserted that would go to jail under the law if he published such a statement without giving the name of the man behind it. The advertisement is as follows:

Tuesday, April 2, you are entitled to vote for United States Senator from Wisconsin to succeed Senator Paul O. Husting. President Wilson, your Commander in Chief, desires all loyal Americans to vote for Joseph E. Davies for United States Senator.

Davies's election means joy at Washington and gloom at Berlin.

Davies's defeat means gloom at Washington and joy at Berlin.

The soldier vote of Wisconsin cast in Camp Grant, near Rockford, where this paper was sent as part of the Democratic campaign, is as follows:

Lenroot	576
Davies	403
Berger	85

I do not think that is justifiable as a matter of campaigning; not even in the exigencies of partisan politics do I think that a thing like that ought to be permitted. The President is Commander in Chief of the Army and Navy. In the command of the Army or Navy and in the conduct of the campaign, after the choice of officers, and in all the details of military operations, the President's will is supreme and must by the nature of things be supreme; but yielding to him all that goes with the great war powers of the country, yet in civil affairs he has no more, and his friends have no more, right to thrust himself as Commander in Chief of the Army and Navy than he has a right to court-martial me and shoot me at sunrise to-morrow morning. Such action is absolutely unjustified in the partisan politics of this country. I repeat, Mr. President, the acid test was designed to apply to Republicans and never to apply to Democrats. That is the grossly partisan way in which the Executive administers power when it relates to a political campaign. We interpret a grant of more power by how present power is abused.

Mr. President, I do not care to take more time. This bill, with its vast possibilities of potential mischief, if administered along the lines I have already illustrated, by the appointment of men, by the transfer of functions, could at best only aggravate, unless the Executive changes his appointments and his view of things, the evils which already exist.

I have made these criticisms in a kindly spirit and for the sole purpose of reminding not only the Members of the Senate but the general public as well that the men whom the President has collected about him are those from whom he can not get desirable results in government.

I ask that the various documents to which I have referred may be printed at length at the end of my remarks, without reading.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the request will be granted.

The matter referred to is as follows:

FORGET PARTY, WILSON TELLS NEW JERSEY DEMOCRATS—DROP OLD SLOGANS AND WORK FOR HUMANITY, HE URGES THEM—MEETING AT NEWARK—TUMULTUOUS CARRIES MESSAGE OF GREATER EFFORTS FOR THE AVERAGE MAN.

NEWARK, N. J., March 20.

President Wilson to-day called the Democrats of New Jersey to forget old party interests and selfish aims and to unite in their efforts to deal fairness to the average man, the man without influence or privilege. Such a political program there must be, said the President, in line with the increasing growth of real democracy in the world.

The President's appeal to Democratic disinterestedness in purely party affairs was included in a letter to the Democratic State Committee meeting here to-day to discuss party reorganization. The "reorganization banquet," held to-night, was addressed by Joseph P. Tumulty, secretary to President Wilson.

The President's letter, pointing to the revolutionary changes now taking place in political thought and the need for true democracy, follows:

WILSON CALLS ON DEMOCRATS.

THE WHITE HOUSE, Washington.

MY DEAR MR. TOASTMASTER: I sincerely regret that matters of pressing importance will prevent my taking part in the reorganization banquet to which you have generously invited me. It is my feeling, as I

am sure it will be the feeling of those present, that my clear duty is to stay here on the job. My work can be properly done only if I devote my whole thought and attention to it and think of nothing but the immediate task in hand.

At the same time it is clear that in the present posture of affairs in New Jersey I can not overlook my responsibility as leader of a great party, and that it is my privilege to point out what I believe to be the duty of the Democrats in New Jersey, now and in the months to come. In order that the exigency of a great hour of crisis may properly be met.

During the months that I had the privilege of serving the people of New Jersey in the office of governor we sought to accomplish this definite purpose, namely, to open the processes of government to the access and inspection of every citizen in order that the people might feel that the government of New Jersey represented their hopes, their impulses, and their sympathies.

It was with this great purpose in mind that we succeeded in establishing electoral machinery which took away from selfish political leaders the power to hold the mass of the party voters of the State in subjection to themselves.

In the matter of employers' liability, we substituted for the cold letter of the old law the warm and wholesome tonic of a humane statute.

In every act of legislation we cut a clear pathway of public service and achieved a record remarkable for its variety and humanity, in every way comprehensive in character and touching no vital interest in the State with a spirit of injustice or demagoguery.

We gave the people, after many tedious and discouraging years of waiting, a government which they could feel was their own, free and unhampered by special privilege.

A time of grave crisis has come in the life of the Democratic Party in New Jersey, a time when its friends and supporters must face the facts of the situation if they would serve the cause of free government in New Jersey. Every sign of these terrible days of war and revolutionary change, when economic and social forces are being released upon the world whose effect no political seer dare venture to conjecture, bids us search our hearts through and through and make them ready for the birth of a new day, a day we hope and believe of greater opportunity and greater prosperity for the average mass of struggling men and women, and of greater safety and opportunity for children.

OLD PARTY SLOGANS ARE GONE.

The old party slogans have lost their significance and will mean nothing to the voter of the future, for the war is certain to change the mind of Europe as well as the mind of America. Men everywhere are searching democratic principles to their hearts in order to determine their soundness, their sincerity, their adaptability to the real needs of their life, and every man with any vision must see that the real test of justice and right action is presently to come as it never came before. The men in the trenches, who have been freed from the economic serfdom to which some of them had been accustomed, will, it is likely, return to their homes with a new view and a new impatience of all mere political phrases, and will demand real thinking and sincere action.

Let the Democratic Party in New Jersey therefore forget everything but the new service which it is to be called upon to render. The days of political and economic reconstruction which are ahead of us no man can now definitely assess, but we know this: That every program must be shot through and through with utter disinterestedness; that no party must try to serve itself, but every party must try to serve humanity, and that the task is a very practical one, meaning that every program, every measure in every program, must be tested by this question and this question only:

Is it just; is it for the benefit of the average man, without influence or privilege; does it embody in real fact the highest conception of social justice and of right dealing without respect of person or class or particular interest? This is a high test. It can be met only by those who have genuine sympathy with the mass of men and real insight into their needs and opportunities and a purpose which is purged alike of selfish and of partisan intention. The party which rises to this test will receive the support of the people because it deserves it.

Very sincerely, yours,

WOODROW WILSON.

DAVIES'S LETTER TO PRESIDENT.

In his letter of resignation Mr. Davies said: "I feel sure that you would know that no selfish reason could impel me to resign at this time."

"My conviction is that I can give a greater service to my country, to my State, and to you by entering into the contest for the United States senatorship in Wisconsin. The pride in and my affection for the State of my birth have caused me to resent deeply the misrepresentations which have led many to believe that the State of Wisconsin was not as fully loyal to the country as her sister Commonwealths."

"At the special election on April 2 Wisconsin will demonstrate that she stands with her sister States four square in loyalty, supporting the President of the United States in the vigorous prosecution of this war. Wisconsin is loyal and stands behind you. The issue will be clean cut. I deem it a great and rare privilege to be permitted to engage in this fight for such a cause. Wisconsin will demonstrate at the special election on April 2 that a united Nation stands behind you."

WILSON LETTER TO DAVIES.

On March 12, 1918, Mr. Davies wrote the President a letter resigning from the Federal Trade Commission. Mr. Wilson accepted the resignation to-day in the following letter:

"MARCH 20, 1918.

"MY DEAR MR. DAVIES: This acknowledges your letter of March 12. It is with sincere regret that I accept your resignation as a member of the Federal Trade Commission, but I must commend the patriotic impulse which urges that action on your part. May I not express to you my warm appreciation of your sympathetic cooperation during the early part of this administration in bringing about the adoption of all those measures which we had promised the people and which I have an abiding confidence will ultimately redound to their lasting benefit?"

"THANKS FOR HELP GIVEN.

"May I also add a word of thanks to you for your steadfast loyalty and patriotism during that trying period before we were thrust into the war, while, to avoid becoming involved therein, every effort was being made aggressively to assert and fearlessly to maintain American rights."

"The McLeary resolution, the embargo issue, and the armed neutrality measure presented the first opportunities to apply the acid test in our country to disclose true loyalty and genuine Americanism."

[From the Washington Post, Mar. 13, 1918.]

DEMOCRATS ELECT FERRIS AS LEADER—OKLAHOMA NEW CHAIRMAN OF CONGRESSIONAL CAMPAIGN.

Representative SCOTT FERRIS, of Oklahoma, chairman of the House Public Lands Committee since the Democrats gained control, was elected last night chairman of the Democratic congressional campaign committee. He succeeds Representative FRANK E. DOREMUS, of Michigan, who, after piloting two congressional campaigns, announced he could no longer serve because his time would be taken up by other congressional activities.

The committee reorganized and elected these vice chairmen: Senators SHAFROTH, Colorado; SHIELDS, Tennessee; and THOMPSON, Kansas; Representatives WEBB, North Carolina; GANDY, South Dakota; BAKER, Colorado; and COX, Indiana. Representative LONERGAN, Connecticut, was chosen secretary; South Trimble, Kentucky, Clerk of the House, was continued as assistant secretary and Joseph J. Sinnott, of Virginia, House Doorkeeper, as sergeant at arms.

Mr. FERRIS and Mr. DOREMUS expressed full confidence of the party's success at the polls next fall. There will be another meeting April 5.

Mr. SHERMAN, From the National Republican, edited by George B. Lockwood, at Washington, D. C., I take the following, showing the steady pursuit of political advantage by Democrats while Republicans are assured we must be nonpartisan:

DEMOCRATIC NATIONAL LEADERS PRACTICE PARTISANSHIP THEY DECRY IN THE REPUBLICAN PARTY IN THE MIDST OF FOREIGN WAR.

STATEMENT GIVEN OUT OCTOBER 16, 1917.

While the cry is being raised that Republicans should at this time entirely forget the interests of their party, on the assumption that Republican activity at this time is unpatriotic, the Democratic national organization is active to an unprecedented degree. The chairman of the Democratic national committee is Vance McCormick, recently named by President Wilson chairman of the national export council. His presence in Washington seems to have stimulated Democratic national activities. Some 40 employees are busy at Democratic national headquarters in the Woodward Building at Washington. The following bulletin was recently put out by the Democratic national committee, showing what the Democratic leaders are doing while they are decrying Republican organization activity as "unpatriotic":

"WASHINGTON, October 16.

"A regional system of organization recently adopted by the executive committee of the Democratic national committee for use in the future campaigns will be considered at a series of zone meetings to be held in various parts of the country, beginning this week.

"The first meeting will be held at the Brown Palace Hotel in Denver on Wednesday, October 17, and the second at the Parker House in Boston next Monday, October 22. Dates of the other meetings will be announced later.

"The plan is to organize the national committee into eight subcommittees, each of which will choose its regional chairman and perhaps establish zone headquarters.

"W. R. Hollister, assistant secretary, and W. D. Jamieson, assistant treasurer of the national committee, who are the directors of the permanent Democratic national organization in Washington, will attend the regional meeting and consult with the national committeemen and State chairmen in the different zones.

"Following is the system under which the country has been divided under the new plan, which establishes an innovation in major political party management:

"Zone 1: Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

"Zone 2: Connecticut, New Jersey, New York, and Porto Rico.

"Zone 3: Delaware, District of Columbia, Maryland, Ohio, Pennsylvania, Virginia, and West Virginia.

"Zone 4: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

"Zone 5: Alabama, Florida, Georgia, and North Carolina.

"Zone 6: Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

"Zone 7: Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming.

"Zone 8: Alaska, Arizona, California, Hawaii, Nevada, Oregon, Philippines, and Washington.

"National committeemen representing the States and Territories in the various zones, under the new system, will cooperate in the direction of future campaigns in their respective regions, while all of the subcommittees will operate under the supervision of the permanent headquarters of the national committee in Washington.

"Under this announced plan meetings are being held throughout the country preliminary to the congressional campaign of 1918 by Democratic leaders. The following account of a meeting held in New England, taken from the Boston Globe of October 23, is typical:

"Prominent Democrats representing State and national organizations of New England met at the Parker House yesterday and formed an organization which, it is believed, will enable the Democrats of New England to look after local political affairs and present their needs to the national organization of the party more effectively than in the past. New England headquarters will probably be opened in Boston before the opening of the congressional campaign of 1918.

"The New England district, the second to be organized, consists of Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island. At the meeting to-day Dr. John W. Coughlin, of Fall River, was elected chairman and Francis E. Sullivan, of Providence, secretary.

"Those present were Senator HENRY F. HOLLIS and Alexander Murchie, of New Hampshire; William R. Pattangall, of Maine; Francis E. Sullivan, chairman of the Rhode Island State committee; Patrick H. Quinn, the Connecticut member of the Democratic national committee; James E. Kennelly, the Vermont member of the national committee; Michael A. O'Leary, chairman of the Massachusetts State committee; Marcus A. Coolidge, of Fitchburg; and W. R. Hollister, assistant secretary of the Democratic national committee."

Title page of The Public:

The Public. A journal of democracy. Founded, 1898, by Louis F. Post—

Assistant Secretary of Labor—

and Alice Thacher Post. New York, N. Y., December 21, 1917. Volume XX, No. 1029.

CONTENTS.

Editorial.....	1231
Economic Surplus and National Policy, Newell.....	1240
Schools for All the People, Earl Barnes.....	1245
Post Office and People, Charles Johnson Post.....	1247
The Psychology of Blame, Alfred H. Fried.....	1249
News of the Week.....	1249
Correspondence.....	1254
Books.....	1255

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The article in *The Public*, of December 21, 1917, relating to, apologizing for, and defending the I. W. W., is as follows:

THE WRONG WAY OUT.

The I. W. W. is to have its day in court, not alone in the Federal and State tribunals, where some of its members are called upon to answer to the charge of certain alleged crimes or misdemeanors, but in that larger court of public opinion, where the oppressed calls upon the oppressor to justify his acts. Whether or not these charges be proven, there will still remain the fact that society has been guilty of a grievous wrong, not on v to those who call themselves the Industrial Workers of the World but to a vastly larger number of men and women who have had small share in the benefits of modern civilization. Some of these victims are unconscious of the wrong that has been done them because fortuitous circumstances have thus far prevented them from feeling its full force; others look upon it as a hazard of life that chance may perhaps correct; but a third class, the very nethermost stratum of society, feels the wrong and cries out against it, without knowing how to make its protest effective.

If short-sighted leaders of oppressed people are too hasty in appealing to force, what shall be said of those persons who are indifferent to the conditions that lead to the oppression? It is not to be expected that the villagers and farmers of Iowa or Georgia shall be well informed as to conditions among the miners of Michigan or Arizona, nor are the hop pickers of California and the garment makers of New York likely to have an intimate acquaintance with each other's needs. There are, however, individuals, officials, and societies who can know these things and who, it would seem, should consider it their duty to know them. Men and women who have assumed the rôle of social knight-errantry would there meet foemen worthy of their steel. Officials charged with public order should find it worth their while to look into labor conditions before the outbreak occurs. And societies, leagues, and institutions in great numbers—not omitting the churches—that have volunteered their services to the poor and helpless might well inquire the cause of poverty in the midst of plenty. Any and all of these are ready enough to make investigations and render reports after there has been an outbreak and loss of life; why should they so often delay action till after the machine gun has done its work?

A great obligation rests upon those who enjoy the opportunity for action and have the power to do. Their responsibility, though not so sharply defined, is not less than that of the desperate men who as a last resort appeal to force. They should know that riots are not primarily due to leaders, but to conditions, and that violence occurs only when the victims have come to feel there is no other way out. It is not necessary to assume that the I. W. W. leaders are wise or honest or otherwise fitted for leadership before giving them a hearing. Be they all that they are charged, still they should be heard. Should they really be unworthy, nothing will make the fact so clear, both to their followers and to the country at large, as a public hearing. To teachers of physical force it may be said that progress lies along the lines of evolution; to the defenders of things as they are it may be said that when these lines are too much clogged it leads to revolution. And though revolution be all but impossible in a country having manhood suffrage, unredressed wrongs incline many toward it and now and again tempt some to try it. The I. W. W. have taken the first step. Sabotage has arrested attention. It is known that a grievance exists. It is now clear to those who will see that unorganized labor in callings not immediately under the eye of society has had to bear the brunt of an unnatural and unjust industrial system. That condition, onerous to the last degree in times of peace, has now become unendurable.

Indiscretions, or even criminal acts, on the part of leaders can not be made to serve as an excuse for summarily condemning the whole movement. It is not enough to show that sabotage on the part of workmen is wrong. It must, be made just as clear that sabotage on the part of the beneficiaries of privilege is equally wrong. The man who cripples the hoisting machinery in a coal pit interrupts production, but the man who holds coal land idle for speculative purposes hinders production far more. The same is true of every idle acre, of every vacant lot, of every undeveloped power site, of every unused natural resource. Nay, it is true of every owner of natural resources who charges others for their use. Mark Twain used to say there were two Reigns of Terror in France—the thousand years of privation and suffering of the masses and the few days of upheaval that ended it. The same thing might be said of sabotage. It has been practiced time out of mind by those who own the earth. By this means most of the advantages of science and invention have been withheld from labor. And now that the victims of these unjust conditions are resorting in their desperation to the cruder forms of sabotage a hue and cry is raised to punish the perpetrators instead of removing the cause. Let us have done with all sabotage and establish economic justice.

The foregoing absolves all from responsibility for his acts. There is no such thing as crime, and so forth:

MADISON, WIS., March 27.

Vice President THOMAS R. MARSHALL opened his speaking campaign in behalf of Joseph E. Davies, Democratic candidate for United States Senator in Wisconsin, here last night by appealing to Republicans to cast their votes for Davies.

"I come to Wisconsin to learn whether 100,000 Republicans will not count the loss of partisanship cheap if thereby Wisconsin may be saved to the Union," the Vice President said.

"No Republican can come to the Senate from the State of Wisconsin without a feeling on the part of the Imperial German Government that that Senator, having changed his mind once, may, by the shifting of a few hundred votes in Wisconsin, be induced to change it again. Your State is under suspicion. You Republicans have made the issue here in Wisconsin."

ALL AGAINST WILSON.

"If the vote at the primary is based upon the charges and counter-charges which you have made each against the other you are about half for America, half for the Kaiser, and all against Wilson. Your self-appointed leaders are now trying to convince the loyal half that the really important thing is not loyalty or disloyalty, but party success.

"Having purified the stream in the primary, you welcome the sewage to help you over the election. I think there are large numbers of you who will not want to rest under such a suspicion.

"It makes no difference how pure and patriotic the purposes of the Republican candidate may be, to be elected he is now bidding for the vote of the German sympathizer, for the vote of the traitor, for the vote of the seditionist, for the vote of the pacifist, for the vote of the man so hidebound in politics that he rejoices at every mistake made by the President or his advisers, for the vote of the man willing to make an inglorious peace, for the vote of the disappointed profiteer, and the vote of the man who wanted our citizens and our ships to stay off the high seas, and who wanted an embargo placed upon the sale of munitions of war in the markets of the world.

DOES NOT SEEK VOTE.

"By these votes, and these votes alone, can the Republican candidate hope to be elected, for Mr. Davies does not seek them and would, I believe, scorn to receive them. It is up to you, Mr. Loyal Republican, to answer whether you are for the party or whether you are for the State.

"Wisconsin is not only on trial before America; the Republicans of Wisconsin are on trial before the world. No Republican, as disclosed by the primaries, can be elected to the Senate of the United States without receiving votes which in the primary were characterized as 'disloyal' votes."

"Our State of Wisconsin is under suspicion. The law of politics is that, so far as usefulness is concerned, you may as well have a bad character as to have a bad reputation. You Republicans have made the issue here in Wisconsin. If the vote at the primary is based upon the charges and countercharges that you have made against one another, you are about half for America, half for the Kaiser, and all against Wilson.

"Your self-appointed leaders are now trying to convince the loyal half that the really important thing is not loyalty or disloyalty, but party success. Having purified the stream in the primary, you welcome the sewage to help you over the election."

GIVE WILSON HIS FRIEND.

United States Senator JAMES HAMILTON LEWIS, speaking at Appleton, said: "The President at this crisis is entitled to one of his party organization and one who is his personal friend. Will Wisconsin not yield of party pride to do this bit of political patriotism in this hour calling for sacrifice that the Nation may be saved?"

From an I. W. W. pamphlet I extract the following which gives its definition of "economic serfdom." It proclaims a class struggle until the I. W. W.'s take possession of the earth and the machinery of production and abolish the wage system. It believes in direct action like Trotsky to whose soviet the President unfortunately sent his cablegram:

MAKING HISTORY.

On September 28, 1917, a climax of that conspiracy was reached when a Federal grand jury, convoked for that especial purpose and assisted by the shrewdest legal talent of the United States Government, returned indictments against 166 officers, members, and sympathizers of the Industrial Workers of the World. North, South, East and West they are now being arrested and brought in irons to Chicago for trial on the general charge of conspiracy. Organized labor is pitted against organized capital in the greatest contest of history, and to imperialistic capital it shall be a Waterloo of wealth or for the spartan I. W. W. it shall mean a Thermopylae of labor.

WHAT IS THE I. W. W.?

The I. W. W. is a labor union admitting any wageworker. It is based upon "the class struggle" and acts through "industrial unionism." It declares that "the working class and the employing class have nothing in common. There can be no peace so long as hunger and want are found among millions of working people, while the few who make up the employing class have all the good things of life. Between these two classes a struggle must go on until the workers of the world organize as a class, take possession of the earth and the machinery of production, and abolish the wage system."

It says "labor is entitled to all it produces," and to get it or any partial increase industrial unionism is needed. "All workers in an industry, or in all industries if necessary, cease work whenever a strike or lockout is on in any department thereof, thus making an injury to one an injury to all." Every worker in any section of an industry is organized in a branch of an industrial union of all the workers in that industry. These industrial unions are grouped into industrial departments of connecting or kindred industries, while all are brought together in one big union of all the workers of all the world—the I. W. W. Workers, not officials, call strikes on or off. All power thereby remains in the hands of the man on the job.

The I. W. W. knows what it wants and how to get it. A real democracy in action. It is the best loved and most hated—the most vital organization in existence.

Another Industrial Worker of the World document says, referring to those now on trial in Chicago for obstructing the war:

To-day the greatest drama in the history of labor is being staged in this country. It's the right to organize and strike versus the right to slave. Organized capital has succeeded in having indicted 166 members and sympathizers of the Industrial Workers of the World because of their activities in organizing the workers and demanding decent living conditions. They are awaiting trial, and funds are needed for defense. Which side are you on?

Contributors will receive receipt for each remittance, and at close of trials an itemized accounting of all funds. Make all money orders and checks payable to the undersigned. Act now.

GENERAL DEFENSE COMMITTEE.

WILLIAM D. HAYWOOD, Treasurer.

1001 West Madison Street, Chicago, Ill.

This is more "economic serfdom."

Another Industrial Worker of the World reprints an editorial from The Public of November 16, 1917, which practically absolves these apostles of violence from responsibility. It is more "economic serfdom."

[Editorial in The Public, Nov. 16, 1917.]

PLAYING WITH DYNAMITE.

Professional detectives and the well-meaning assistant prosecutors of the Department of Justice should not be given a free hand in handling the I. W. W. situation. There is evidence that they are ignorant of American sociology as were the advisers of Louis XVI of French sociology. And they are aided and abetted in their ignorance by an equally ignorant press, so that nothing but approving comment follows the most stupid and dangerous tactics. The situation in this country with respect to unskilled and unorganized labor is full of dynamite. Every trade-union leader knows it. The President knows it. It is the dynamite engendered by the existence of a large class conscious of injustice, burning with resentment, and wholly without organization through which to express itself. The I. W. W. does not represent it in any authorized way. But it comes nearer being its spokesman than any other organization. Members of the I. W. W. or men who have been profoundly influenced by their propaganda may be found in every unorganized labor force in the country. The I. W. W. is not an organization so much as it is a spirit and a vocabulary. And because no strike or audible protest follows the various assaults on I. W. W. leaders, let us not be too sure that their influence is negligible; that the department's policy and that of the mobs that get encouragement from this policy is not breeding a slow, dangerous, smoldering resentment.

An instant retaliation would be far less dangerous, much easier to handle, than a spirit that may at some critical juncture in the future flare out in a strike of steel workers or slaughterhouse workers or miners or oil refiners. No one knows about this. Perhaps the Government can imprison or mob horsewhip every laborer in the country who sympathizes with the I. W. W., and our unorganized, unskilled, exploited wageworkers will take it lying down. Perhaps they will not. But the situation should not be handled by men who have never read, let alone pondered, the Government reports that show that hardly more than half of the adult male wage earners in the United States earn enough in a year to support a family in decency and comfort. The I. W. W. leaders now in jail know those reports by heart. They have passed them on to tens of thousands of men, and they have interpreted them with the aid of the writings of such men as Thorstein Veblen and Leo Tolstoy and Henry George. Their movement is interpreted sympathetically and accepted as an inevitable product of existing conditions by such first-hand observers as Dr. Carleton Parker, dean of the School of Business and professor of economics at the University of Washington, and the Rev. Dr. Sydney Strong, of Seattle, a Congregational minister and a sociologist of character and standing. There is in existence a printed report of the testimony given by Mr. Herbert Quick, now Federal farm-loan commissioner, in which the condition of millions of migratory farm laborers in this country is presented in words that make it perfectly clear why, in H. G. Wells's phrase, these men are among our "disaffected employees." Mr. Quick placed the blame largely on a system of land tenure and land taxation that plays into the hands of monopolists and beneficiaries of privilege.

Just a suggestion of the way in which I. W. W.'s are produced is found in experience of harvest hands with our railroads and local authorities. At the beginning of the harvest, the word goes out to trainmen that "hoboes" are to be unmolested. They go into the harvest without funds, and their labor is a vital community need. After the crops are harvested the attitude of town authorities and railroad officials suddenly changes. The harvest hands straightaway become "bums." They are arrested, thrown into jail, and fined. They are kicked off railroad trains unless they pay fare or its equivalent. This is a situation described minutely enough in Government reports, and it is only one of a hundred true stories that help to explain the I. W. W.

But to assault the I. W. W., as a whole, is to assault the only spokesmen and to suppress the only articulation possessed by a class of wage-workers on which several of our most vital basic industries are utterly dependent—a class numbering many millions of men. Why this class is represented by men who repudiate patriotism, religion, and government is a long story. It is well told by Dr. Parker in the current Atlantic. It involves the shortcomings of the trade-union movement as well as the upgrowth of conditions that leave large bodies of workers with no gratitude to established institutions, because those institutions have done nothing for them except to cut them off from about everything that makes life on this earth worth while.

But, some one will say, surely the responsible Federal authorities know what they are doing. They must have evidence. Among those arrested with the others for seditious conspiracy was Arturo Giovannitti, one of the leaders in the Lawrence strike of nearly six years ago. He is an Italian whose international ideals had not succeeded in smothering his nationalist sentiment. He is a poet of distinction. His work has been highly praised by the London Times and published in the Atlantic Monthly.

For the past year he has been writing plays and poems and living quietly in New York. Five years ago he translated a work on sabotage. For this he has received no royalties, nor has he owned or circulated so much as one copy of the volume. Yet he is seized and taken to the Tombs and must now submit to removal to Chicago and trial there in an atmosphere poisoned by prejudice. As for the charge, freely given to the press at Washington, that proof had been found that the organization was being financed by German money, not a line of evidence has since been produced to substantiate these vague, sensational intimations supposedly given out by Mr. Gregory's assistants and spread in flaming headlines on the first page of every newspaper in the country. On the contrary, the indictment as published contains no charge that German money played a part in the organization's activities. William D. Haywood, general secretary of the I. W. W., is a descendant of men who fought in the Revolution and the Civil War. The real crime of Haywood and most of the rest was the conducting of an aggressive propaganda and strike program on behalf of laborers who are interested solely in obtaining better conditions of life and labor. But that feeling has been manipulated and organized by men whose economic interests, whose right to exploit their fellows without let or hindrance, have been interfered with, and properly, by I. W. W. agitation. In so far as the I. W. W. stand as spokesmen and representatives of the most exploited class of American labor, they must be handled by men who are something more than outraged patriots, with a patriotism that coincides with a belief in their right to exploit others. No one knows to what

degree they do so stand, and least of all the detectives and prosecutors of the Department of Justice. These assume too readily that they can dispose of the whole problem by putting a few men in jail.

Either President Wilson himself or the Department of Labor as his agency should be represented at the forthcoming trials, and by men who are able to distinguish between an I. W. W. injury to the national cause and an I. W. W. injury to industrial conditions that no government can afford to sanction. In the interest of safety it would be well to assume that millions of laborers are watching these cases, and that an ounce of understanding now may be worth a pound of martial law in some critical juncture of the future.

THE WORKERS ARE WATCHING.

Yes; millions of laborers are watching the cases, and millions more will be watching and awaiting the verdict. These workmen and women, whose only crime has been in organizing the workers and striking for better conditions, must be defended. If the masters succeed in convicting our fellow workers, then the boasted right to strike will have been lost. The shackles of labor will be tightened. You will be held up to the world as men and women who deserted your champions when they needed you most. We know that you're real men and women, and we know that you're going to do all you can. But don't wait, help is needed and now. We have got to fight this case in the courts. At present we have no alternative. Send whatever funds you can to-day; organize for to-morrow. Make all checks and money orders payable to William D. Haywood, treasurer, General Defense Committee, 1001 West Madison Street, Chicago, Ill.

This is a single-tax leaflet. It is more economic serfdom. It voices the obsession of many of those whom the President has appointed to office:

DEMOCRACY V. AUTOCRACY.

Autocracy (might makes right).

All autocrats depend on "the rent of land" for their existence and power; that is why they bring on "war for land," so as to be able to "rent the land" to the people who have the same right to the land as the autocrats who rent it to them. The rent of land is the lifeblood of autocracy.

Democracy (equal rights for all, special privilege to none).

Under the single tax there would be no "war for land" nor autocrats. Why? Because the entire rent of land (instead of supporting autocrats) would be taken by taxation for all governmental expenses and returned to the people in the form of public needs and utilities, thus doing away with autocrats and "war for land."

Real peace can never come on earth while one man can charge another man "ground rent" for permission to live on the land that God or nature provided for all.

GEORGE LLOYD.

The future candidate is referred to in the Chicago Tribune of date April 19, 1918:

COAL, CARS, AND A CANDIDATE.

Dr. Garfield, although intimate with details of the coal business, is credited, by men informed as to his ideas and acts, with the belief that production is a necessary process in supplying the Nation with fuel. Production, he is said to be inclined to believe, depends upon giving the producers some reason for producing, without making that reason an unjust tax upon the consumer, but nevertheless making it a fair reason.

Until and unless the Government takes over and operates the coal mines in a national enterprise, an enterprise which it does not at present intend to undertake, the production of coal will be stimulated as the producers have reason to stimulate it.

Because the jangling authorities at Washington jangled all summer last year the Nation got its coal by the scuttle from day to day all winter and industries were suspended when they ought to have been going at top energy.

Mr. McAdoo, Secretary of the Treasury, Director of the Railways, and a variety of less important things in the Nation's economy, is also a candidate for President. The political processes of the Nation must continue even in war time. Some one must be a candidate for President. Why not Mr. McAdoo? Mr. McAdoo himself would echo, Why not? Mr. McAdoo is a candidate.

As Secretary of the Treasury Mr. McAdoo has the big, eye-filling duty of putting over the liberty loans. In this capacity he ably directs an army of energetic orators, who penetrate every part of the country. Mr. McAdoo also penetrates. A good campaigner might not want any better opportunity of making the American man, woman, and child familiar with his name and virtues.

As Director of Railways Mr. McAdoo has another great opportunity. A record made in this accomplishment will be of inestimable value. In a fashion, it is a good thing for the country that McAdoo, in his important obligations to the Nation, has these two spurs to his energies. We do not mind that they also spur his ambitions. If Mr. McAdoo gives everything he can to his country, it would be petty to complain that he got everything he could for himself.

But a point of protest arises which is a good and pertinent point to press. In the controversy arising between Dr. Garfield, who is trying to produce coal, and Mr. McAdoo, who is trying to run the railways, Mr. McAdoo insists, and his assistants violently insist, upon a price for coal to the railroads less than the Government pays for its other needs and less than Dr. Garfield thinks will keep production going as it must go this summer.

Mr. McAdoo would have hard work defending this if Dr. Garfield can maintain his case against him. An economy for the railroads, which indirectly and unimportantly lightened the general obligation toward the guaranteed railway revenue and directly hurt the production of coal, would be a mighty costly economy. It would help Mr. McAdoo make a record in economical operation of the roads, but that record would not be fairly made and it might give the Nation another smash in the face next winter.

Dr. Garfield may not be much of a coal expert, but he is right in handling the situation from a production standpoint, and McAdoo is palpably wrong in trying to force a treatment from the railroad point of view.

We are convinced that if Mr. McAdoo were not thinking of the Presidency, Dr. Garfield would not have so much trouble with him, and we are convinced also that if there were a superior war council in Washington the difficulties the two men have with each other would not be allowed to affect the Nation.

Mr. RANDELL. Mr. President, I desire to discuss briefly the pending bill, "authorizing the President of the United States to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes in the interest of economy and the more efficient concentration of the Government." This measure is commonly known by the name of its very efficient champion in this body, Senator OVERMAN, of North Carolina, and I shall designate it hereafter as the "Overman bill."

The first section sets forth very fully the purposes of the bill, and reads as follows:

SECTION 1. That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record: *Provided*, That this act shall remain in force during the continuance of the present war and for one year after the termination of the war by proclamation of the treaty of peace, or at such earlier time during the said year as the President may designate: *Provided further*, That the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to this act and during the time that this act is in force: *Provided further*, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

This bill is intended to give to the President power to perform any executive or administrative functions of Government through any office, bureau, department, commission, or agency now existing by law and to change from one to another as he sees fit from time to time. The authority conferred by this bill is limited to matters relating to the conduct of the present war and terminates one year after the close of the war. It is strictly a war measure and makes the President, who, under the Constitution, is Commander in Chief of the Army and Navy, our real Chief in everything connected with the war, not only in the departments of the Army and Navy but in every Government service in so far as its function is connected with the war, and not otherwise.

Some such reorganization of our Government for the effective prosecution of the war is absolutely necessary. Half a dozen or more departments working at cross purposes can not direct a war like this. The Overman bill, giving full power to the President, is the best way for providing that essential reconstruction and rearrangement of our complicated Government machinery.

In the exercise of those powers the President is permitted to use money only for the purposes for which Congress appropriated it, though he may change the agency which ordinarily would expend it. To illustrate:

He may direct the Navy to build ships of commerce in place of the Shipping Board, if he should conclude that the Navy is better qualified than that board to perform that very important service, or he could withdraw the functions of Director General of Railroads from Secretary McAdoo and confer them on Secretary Redfield; but he could not use any part of the one and three-quarter billions appropriated by Congress for commercial vessels to build naval vessels, nor could he use for the construction of ordinary highways the \$500,000,000, or any part thereof, allotted recently to the Director General of Railroads for use in connection with rail-and-water transportation.

Moreover, the President under this act could consolidate the buying for the various scattered departments and bureaus to such extent as he may find necessary and as rapidly as conditions justify, and place this buying under the control of some central agency. Likewise, he could invest in a central agency the power to reach decisions and to determine the great questions which affect more than one department. He could remove duplication of effort where conflicting activities have developed in connection with the war. For example, he could form a central secret service for the Union by transferring to one agency the secret-service activities now scattered between many departments such as Justice, Treasury, War, Navy, and so forth.

Until some such legislation as this is passed the various bureaus and divisions of the Government will be compelled by existing statutes to continue their independent activities and there will exist nowhere the authority to bring about central control and responsibility.

Secretary Baker, in explaining a practical application of the proposed bill, was quoted by the Philadelphia Record on February 13 as saying:

We now have a cantonment division of the Quartermaster's Department in charge of temporary construction work. Suppose we desired to transfer this office to the Engineer Corps. Under existing statutes the funds appropriated for the construction work could not be transferred to the Engineer Corps. The coordination bill would make the funds more elastic and they would follow the cantonment division into the Engineer Corps. This would be true of any other funds now appropriated for specific objects.

Generally speaking, the coordination bill would enable the President to improve the war-making instrumentalities of the Government whenever he found it desirable or necessary to do so.

The Overman bill does not permit the President to do anything except in accordance with previously enacted statutes, but merely authorizes him to change existing agencies for carrying out the provisions of these statutes. Under this bill he would be obliged to confine and limit his activities to the purpose and intent of Congress in every respect except as to the selection of the particular officer or agency to execute the law. He must utilize some office, commission, bureau, or agency now existing by law and he has no power to create any new office or agency nor to abolish any existing bureau without the consent of Congress hereafter obtained.

Section 3 of the bill specifically says:

That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

It will be seen from this that while the President can select a different agency he can not use the money except for the purpose intended by Congress, and a careful consideration of this fact alone should convince anyone that there is not the slightest danger of "dictatorship" or misuse of power arising under this bill. The power to appropriate money—control of the purse strings—remains entirely with Congress and is not released in the slightest degree by this bill.

No business operation, no important governmental function, and especially no action of any moment connected with the prosecution of war can be carried on without money. It is an old and trite saying that "Money makes the mare go." It certainly has required vast sums of money for our participation in the war up to date, and I fear that much greater sums will be needed in the future. If anyone believes that the President will attempt to override the will of Congress or exercise powers conferred by this bill in an undue manner let him bear in mind that the whole control is retained in the hands of Congress through its power to raise revenue and make appropriations.

Mr. President, there was great criticism of the War Department and the general conduct of the war in the Senate and elsewhere about three months ago, and on the 21st of January last Senator CHAMBERLAIN, chairman of the Committee on Military Affairs, introduced in the Senate the "war-cabinet bill," S. 3583. This measure seemed to have the approval of several members of the Military Affairs Committee, especially Senators CHAMBERLAIN, HITCHCOCK, WEEKS, and WADSWORTH, who are among the most able and patriotic members of this body. The debate in the Senate and interviews in the press indicated that these gentlemen were thoroughly impressed with the necessity for some such legislation as was embodied in that measure.

Every other country, even autocratic Germany, has found that its governmental machinery has had to be altered, refitted, and in some respects redesigned. We have been trying to do our war work with the same machinery we had in time of peace. And it simply will not work.

In peace there are a great many unrelated things to be done, but no one thing on which the whole power of the Government must be directed. The Agricultural Department and the Shipping Board and the War Department can each do its work under a separate head without confusion. But when food has to be raised and shipped abroad for the use of our allies and our soldiers these three limbs of the Government have got to act from one common impulse, or else there is delay.

Our Government now has just one big supreme task—war. It ought to have one—not a dozen pieces—of machinery to devote to that one task.

That is what the war cabinet of the Chamberlain bill was designed to provide. That is what the Overman bill does provide.

I wish to make a comparison between this "war-cabinet bill" and the pending Overman bill. The former measure created a war cabinet, "to be composed of three distinguished citizens of demonstrated executive ability, to be appointed by the President, by and with the advice and consent of the Senate, through which war cabinet the President may exercise such of the powers conferred on him by the Constitution and the laws of the United States as hereinafter mentioned and described."

Section 2 of this bill reads as follows:

That said war cabinet shall have jurisdiction and authority as follows:

(a) To consider, devise, and formulate plans and policies, general and special, for the effectual conduct and vigorous prosecution of the existing war, and, in the manner hereinafter prescribed, to direct and procure the execution of same.

(b) To supervise, coordinate, direct, and control the functions and activities of all executive departments, officials, and agencies of the Government in so far as, in the judgment of the war cabinet, it may be necessary or advisable so to do for the effectual conduct and vigorous prosecution of the existing war.

(c) To consider and determine, upon its own motion or upon submission to it, subject to review by the President, all differences and questions relating to the conduct and prosecution of the war that may arise between any such departments, officials, and agencies of the Government.

(d) To require information from, and utilize the services of, any or all executive departments and executive officers or agents of the United States and of the several States and Territories and the District of Columbia necessary or helpful in the proper performance of the duties of said war cabinet.

(e) In the exercise of the jurisdiction and authority hereby conferred to make, subject to review by the President, the necessary orders to any such department, bureau, official, or agency of the Government and such decisions as the matters under consideration may require or warrant.

(f) To make rules and regulations governing its own procedure; and said war cabinet shall, upon completion of its membership, immediately organize and thereupon and thereafter proceed to an expeditious disposition of all matters coming before it.

It thus appears that the war-cabinet bill proposes to create an additional agency to assist the President. The Overman bill proposes to give to the President himself the authority to exercise these same powers through existing agencies, bureaus, commissions, or officers of the Government as he sees fit. The war cabinet takes away from the President powers which the Constitution clearly intended him to exercise and confers them upon three citizens, while the Overman bill seeks merely to enlarge the ordinary powers which the Constitution contemplates shall be exercised by the President.

The war-cabinet bill creates a separate and distinct agency not now known or recognized in our system of Government—something in addition to and superior to the various Government departments and agencies, and, in a way, superior to the President himself, although the action of this board is subject to his review. The Overman bill does not create any new agency whatsoever, but merely authorizes the President to make a redistribution of functions among existing executive and administrative agencies in order to produce greater efficiency in the prosecution of the war.

However, the general objects and purposes of these two bills are the same; the ends to be attained are identical. This end, as set out in the war-cabinet bill, is the "effectual conduct and vigorous prosecution of the existing war," and in the Overman bill, "national security and defense, the successful prosecution of the war, the support and maintenance of the Army and Navy," and so forth. The cabinet bill provides for "supervising, coordinating, directing, and controlling the functions of all executive departments, officials, and agencies of the Government" by the war cabinet, in so far as it deems necessary "for the effectual conduct and vigorous prosecution of the existing war," and the Overman bill authorizes the President to redistribute functions among any executive agencies of the Government as he shall deem best fitted to carry out its purposes in the successful prosecution of the war, and so forth.

Both measures contemplate attaining the desired end in exactly the same way, to wit:

Coordinating and controlling the redistribution of the various bureaus and departments of the Government.

In the one case this is to be done by a legislative cabinet of three men—a creature of Congress, subject at any moment to be uncreated by the authority which made it. In the other case, these functions are to be performed by the President, who derives his authority under the Constitution from the sovereign people, and whose ordinary duty is to perform, to a very great extent, the very same functions enumerated in this Overman bill.

Can anyone hesitate for a moment in saying that the Overman measure is far preferable to the war cabinet bill? It seems to me that a mere statement of this question furnishes its own answer.

The reason why the Overman measure is the one to be preferred is that it really conforms to the sound principle of the concentration instead of the diffusion of power in case of emergencies requiring rapid decisions and quick action. That is a principle established on the firmest foundations by the whole experience of the human race. The Overman bill would simplify while unifying and coordinating the executive machinery; it does not thrust into the administrative system an entirely new and unprecedented body, such as the "war cabinet," which would instantly cause friction the moment it began to function. (Springfield Daily Republican, Feb. 8, 1918.)

It is one thing for Congress to create a war board either from its own membership or otherwise and attempt to endow it with any share of the powers which the Constitution vests solely in the presidential

office; quite another to amplify the Executive discretion by empowering it, as would the bill of Senator OVERMAN, to reconstruct the executive branch of the Government for the period of the war, rearranging existing agencies and their functions, and establishing such new ones as he might see fit. The difference is that between a procedure unwarranted by the supreme law and distinctly ultra vires and one within the legitimate sphere of the legislative department and of unquestionable validity. The Congress can not rightfully diminish or qualify the powers which are conferred on the Executive by constitutional grant, but it can relieve that department of restrictions not imposed by that instrument, but vesting in statutory prescription or deduced from the absence of express warrant. (Virginian-Pilot and the Norfolk Landmark, Wednesday, Feb. 13, 1918.)

The President is of the opinion that he can handle the war better if granted the power conferred on him by the Overman bill. He is our Commander in Chief. We look to him for success. Therefore we should grant him all the power he desires provided same does not infringe upon the just prerogatives of Congress or violate the Constitution. The Overman bill does not take away from Congress any of its functions, nor does it violate the Constitution in any particular. The various departments, bureaus, commissions, agencies, and officers of the Government were created by act of Congress, and should it see fit to authorize the President, in his discretion, to make changes in any of these positions it has a perfect legal and constitutional right to do so. The only question for Congress to determine is whether or not it is wise to give this additional power to the President during the continuance of the awful war in which we are now engaged. In my judgment it would be very wise so to do. Not only is the President the Commander in Chief of the Army and the Navy, and as such the one man clothed with special responsibility to lead and guide the Nation in time of war, but he is also the Executive head of the Government, and as such is specially clothed with responsibility for the faithful execution of all the laws enacted by Congress. He appoints all Cabinet officers, members of important commissions, and innumerable officials in the various branches of the Government.

The legislative department enacts laws and the executive department, with the President at its head, carries them out. It seems entirely logical and proper therefore that the Chief of the Executive Department, in the execution of the laws during a period of unusual stress and trouble, such as the present war entails, should be clothed with extraordinary power and discretion.

No one knows what needs for governmental changes will develop during the war, and for this reason we should give the President full power to meet any emergency that may arise. There has been some discussion on the floor of the Senate and, as I understand it, in committee in regard to excluding the civil departments of the Government from this measure.

It is my belief that we should take no action that in any way may hamper or delay any plan tending to the ultimate success of our Army in Europe. It may happen that some change in some branch of the Government other than the War or Navy Departments, or the Shipping Board, would in a great measure speed up the work of preparing for and maintaining that Army. Should we refuse to grant the President power to reorganize or coordinate some agency of the Government because that agency is not directly connected with the War or Navy Department, or the Shipping Board, when by so doing the usefulness of those last-named departments will be increased or their labors speeded up, we would be injuring our fighting forces. I mention no specific instance, but it is entirely within the realm of possibility that such a thing might happen. More remarkable things have happened since we entered the war. Let us be prepared for any contingency that may arise.

Mr. President, I fail to see any practical objection to the Overman bill, and can not conceive what harm may result from its passage. On the contrary, I believe that it will result in much good. The President seems to think so, and I am perfectly willing to trust to his judgment.

I do not wish to see our country injured by failure to act promptly.

Over Gallipoli England has had to write, "Too late."

Over Saloniki France has had to write, "Too late."

Over the Isonzo Italy has had to write, "Too late."

What is ahead of us this summer we do not know; but if we fail now to make a radical reorganization of our Government for war purposes, we may find that those words "Too late" will have to be inscribed by America over some ghastly defeat, where but for our failure, perhaps in this very instance, there might have been written "Victory." Why should we take the chance? It would be folly to do so.

As was so well said by Mr. Odell, in the Outlook of February 20 last:

No President could have had more thorough and devoted allegiance than that accorded to Mr. Wilson by the people of the United States. To a very marked degree political partisanship, sectarian difference,

regional strife, and industrial feuds have all been sunk in a splendid display of loyalty. But the people were and are loyal to Woodrow Wilson because he is the symbol of the principles upon which the Republic rests and the ideals toward which it strives. The loyalty is to the man who fills the Executive office and who exercises the function of interpreter of those principles and ideals. The people feel that everything of value in their material, social, moral, and spiritual life is summarized in him. And that loyalty is universal.

Mr. President, I know full well that if serious failure comes from any executive or administrative branch of our Government, the natural tendency will be to hold President Wilson more or less responsible therefor, since he is the executive head, and as we are holding him responsible we ought in justice and fair play to give him a free hand in the management of the Nation's business. I for one have full confidence that the President will perform every duty imposed on him by the pending bill with high credit to himself and great benefit to the public weal. He certainly has done well thus far, and has handled many difficult situations with wonderful tact and ability. The American people as a whole have absolute trust in our President, and Congress, which reflects the will of the people, should voice that trust by promptly passing the Overman bill.

Mr. McKELLAR. Mr. President, I have listened with a great deal of interest to the greater part of the debate on this bill, and such parts of it as I have not heard I have taken pains to read carefully in the CONGRESSIONAL RECORD. It has been a very interesting and a very able debate.

The speech of the distinguished Senator from Iowa [Mr. CUMMINS], who always speaks with great force and power, was particularly delightful; and yet at the same time I believe that his conclusions on the constitutional questions involved were wholly erroneous.

Take the speech of the senior Senator from Georgia [Mr. SMITH]—and there is no more gifted man in this body than that distinguished gentleman—in favor of a part of the bill, as I understand, and very much opposed to other parts. I think for once he has allowed his great fear of what might be done to overcome his usually excellent judgment. I do not agree with him that we are giving too large powers to the Executive in this bill. I do not agree with him that we are giving him unusual powers in this bill. As I listened to him, just as I listened to the distinguished Senator from Illinois [Mr. SHERMAN] this afternoon, I could but wish that the wonderful power, the great ability, the driving force of each one of these two great men were behind this bill and behind that for which it stands, rather than opposed to it, and opposed to that centralization of Executive authority, at this time so necessary.

Mr. President, I also listened with a great deal of pleasure to the speech of the distinguished Senator from Pennsylvania [Mr. KNOX], who says that there is no use in passing this bill, because the President already has the powers that are conveyed to him in it. I readily concede that the Executive already has a great many of the powers that are enumerated in this bill, but he has not all of them; and the question is, Is it wise at this time to give them to him?

The distinguished Senator from North Carolina [Mr. OVERMAN], who has charge of the bill and has managed it so well up to date, of course is strongly in favor of it; but he says that we ought to give these powers to the President because of the President being Commander in Chief of the Army and Navy of the country. I agree with the Senator in his conclusions about the wisdom and necessity of the bill, but I differ from him in his argument. I think that this bill has only an incidental effect upon the powers of the President as Commander in Chief of the Army and Navy. I do not think the powers sought to be given in the bill relate to the President as Commander in Chief, but only to the President as Executive.

And then comes the argument of our very delightful and attractive friend from Illinois, the junior Senator from that State [Mr. LEWIS], always eloquent, always interesting, always uniquely brilliant, right in his conclusion, but, in my judgment, wholly in error in his method of getting there. He says, virtually, that the bill is unconstitutional, but that unconstitutionality makes no difference, because all of the Constitution is virtually in a state of suspense during a war, and we need not pay any attention to it. Well, of course, I wholly differ with him on that subject. I think the bill is constitutional, and that it is our duty to make all our acts conform to that instrument. I think that instrument is good in both war and peace.

What are the questions that are before us in this bill? The opponents of the bill say that it is wholly unnecessary. That is the first question—that it is not necessary to give the President these powers, that he either already has them or he ought not to have them if he has not. The second proposition is that it is unconstitutional. I want to discuss those two questions very briefly in their order.

Now, as to the necessity of it, if Senators will follow me just a moment, I will read from the bill itself just what it proposes to do. In the first section the material and contested part of it is that—

The President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary.

There are two provisos limiting the time of the act to the war and the authority of the act to be exercised only in matters relating to the conduct of the present war.

Section 2 provides:

That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it, either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

Section 4 provides that if the President concludes that any department or bureau should be eliminated entirely or abolished he shall report his conclusions to Congress.

The second section is similar to the first, except it goes a little further and authorizes him to utilize, coordinate, and consolidate any executive or administrative commissions, bureaus, and the like. Those are the material sections of the bill. Are they necessary or are they unnecessary? Are the opponents of the bill right when they say there is no use in them? Let us see if there is any use in them.

Certain opponents of the bill on the floor a few days ago challenged those who believe in this bill to give any reasons why it should be passed, any necessity for it, as I understood them. Mr. President, I happen to be a member of the Military Affairs Committee of the Senate, and this whole subject arose out of an examination that was begun before that committee at the opening of this Congress in December. From the evidence that was brought before us it was clearly apparent that a more complicated system of executive machinery could hardly be imagined than that which confronted us by the evidence of the witnesses produced there. Especially was this true in the War Department. After a careful examination that committee concluded that something should be done. At first a munitions bill was reported out for the purpose of doing what? Of doing precisely what this bill does—of centralizing the purchasing activities of the Government in a munitions director. Then another bill was suggested, known as the war-cabinet bill, which granted to the Executive far greater power to make changes than this bill grants to him. The committee thought those measures were right as centralizing measures, as measures to give force to the executive branch of the Government, to give a centralizing energy to it, so that we might accomplish those things which the necessities of the country require in this war. The whole country demanded the centralization of executive power, the newspapers everywhere approved the idea, the civic writers all over the country approved a centralized system.

Then the President did not feel that the plans of the Military Affairs Committee was the right way to go about it. He felt, according to the published statements, that it was conferring too much power on the three appointees provided for in the bill and was an invasion of Executive function. He said that he would not approve the measure, in substance, and after that statement was made every man with even a modicum of brains knew that no bill would be passed affecting the Executive power unless such bill received Executive sanction. The President evidently believed, and I am frank to say that I have not discussed it with him, but evidently he believed that there was something necessary to be done, just as our committee believed, just as the newspapers of the country believed, just as all intelligent men of the country believed, that some additional centralizing force and power should be given to the executive branch of the Government.

Thereupon this bill, known as the Overman bill, was introduced for what purpose? For the purpose of doing precisely the same thing, for effecting exactly the same purposes, for performing exactly the same functions that these other bills which had been proposed were for.

For the life of me, Senators, I can not see how any Senator who was in favor of either of those bills can be opposed to this bill, because it does not go as far as the bills proposed by the Military Affairs Committee. I thought those bills were in the right direction and would have been glad to have voted for them; and so I think this bill is in the right direction and that we

ought to vote for it, and we ought to enact it into law as soon as possible.

I want to give you the practical reasons for my position. If Senators will bear with me a little while, I am going to give concrete illustrations of what can be done under this bill, so that the executive service may be benefited. It is not a question of politics; it is a question of opinion; it is a question of fact. I have what I conceive to be a number of facts upon which this bill can be maintained and on account of which it should be immediately passed.

Through a long term of years there has grown up in all the departments a complicated system commonly known as red tape. We talk about red tape in the Army and Navy. There is just as much red tape in the various executive departments to-day as there is in the Army and Navy. It is all one when it comes to that. Everybody understands it. There is not a Senator who goes to a department who does not understand it fully. No one, unless we are experts or have been here half our lives, can go at once to the department and reach the right officer the first time, unless he finds it out beforehand by extensive telephoning, and it is very difficult to find out beforehand. All of us, no doubt, are met frequently with the proposition, when a constituent comes here wanting to go to see the proper officer about a matter of business, that we are unable at first blush to carry him there. We may have to go to half a dozen different departments before we find the man he wants to talk to. Why is that? It is simply because of a lack of centralized effort, of executive or department or bureau efficiency, and that is what this bill is intended to bring about.

But I promised concrete reasons.

Take the Bureau of Foreign Trade Advisors and the Bureau of Commercial Treaties, both of them in the State Department, separate bureaus in the State Department, and the Bureau of Foreign and Domestic Commerce in the Department of Commerce. Will any Senator say that those bureaus ought not to be consolidated? Can any Senator say what reason there is for having a Foreign Trade Bureau in the State Department and a bureau of commercial treaties in the State Department and a Bureau of Foreign and Domestic Commerce in the Commerce Department, all separate agencies of the Government? No wonder that Senators are in doubt when they have a question like that arising from one of their constituents as to where he should go.

That is the first one. We will take the second, which has already been discussed—the auditors of the various departments. I am not going into that, because it was fully discussed here the other day. They ought to be centralized; they ought to be consolidated. We ought to have efficient service where we have inefficient service now, and we all know it.

The Bureau of Printing and Engraving is in the Treasury Department, and the Public Printing Office is a wholly separate bureau or department of its own. Is there any logical reason that any Senator can claim for not having those consolidated?

Senators stood here the other day opposed to this bill and asked that concrete examples be pointed out for the necessity of the bill. Will Senators conclude that these three are not concrete examples? And these are but the beginning.

The Bureau of Public Health. Where would you expect to find it? It is in the Treasury Department! They have here a Bureau of Public Health, or what means the same thing, in the War Department and another bureau, performing exactly the same functions, in the Navy Department. Is it possible that Senators should know about those departments, affecting the public health, of which you never hear now? Why? Because they are diffused, because their energies are not properly correlated. They ought to be consolidated, made efficient, and they can be if authority is given the Executive in this bill to do so.

We come next to the Supervising Architect's Office. A stranger to our institutions would never guess where it is. It is in the Treasury Department. He is not the architect of our money, but he is supposed to be the architect of our buildings. It certainly is an illogical place for that to be, and so illogical that when our military operations were begun and when our naval operations were increased at the beginning of the war what happened? We have an architect's bureau in both departments. The Architect Bureau of the Treasury Department was swept aside and a new one substituted, a new one in the War Department, and, I believe, a new one in the Navy Department; and, by the way, I want to say, without the fear of successful contradiction, either, that there is no department in the Government that needs executive attention more than these building departments. Do you know under whom all the cantonments of the country have been built? Is it under officers of the law? These cantonments were begun and perhaps con-

tinued ever since to be built by that nondescript body known as the Council of National Defense under a plus-cost contract run by dollar-a-year patriots. A more expensive system, a system more open to suspicion could not be devised. Mr. President, if there was no other reason for the passage of the bill, it would be to give the President the right to correct the building operations of the Government. No bureaus in our entire system have been more prolific of waste, extravagance, and perhaps worse, than this building system now in force.

I next come to a general supply committee, and there is one in each one of the 10 departments. Is it a wonder that the Government has to pay the very highest price for everything it buys? Look at the list and you will see why that is so. There is one supply committee competing with another. Is it any wonder that the Government has to pay the highest price for all it buys under such a system of purchases and supplies as we have? These supply systems should be centralized and consolidated.

Then we come to a question I have no doubt is in the minds of most of the American people to-day in a peculiar way. Why is it that we can not catch and punish the so-called German spies? That thought seems to be uppermost in the minds of most of my constituents. I get more letters about it, possibly, than on any other subject of public importance. Why is it? The answer is simple. The laws as they are now provide for a secret-service bureau in the State Department, another secret-service bureau in the War Department, another secret-service bureau in the Navy Department, another secret-service bureau in the Post Office Department, and a fifth secret-service system in the Department of Justice. There are at least five secret-service systems, wholly independent one of the other. Is it any wonder that we are not making any progress in our spy system? Congress has met the demand that has been made upon it and has passed the most stringent spy legislation; but what has been the result?

Mr. SHEPPARD. The Senator might well add the Secret Service in the Treasury Department.

Mr. McKELLAR. I intended to. If I did not, I just casually overlooked it. Of course, we have one there. We have six different, independent, stupendous systems of secret service, and as one man wrote me, a few days ago, that with all those systems you are not catching many German spies. I do not know how true that is, but it seems to me we ought to put the secret-service system of this country under one control, under a centralized control of a strong and virile man who knows how to manage that particular business so that the work of the Government may be properly done. If we had a centralized, vigorous, well-administered secret-service system under one head, we would take care of our traitors and spies expeditiously. They could and would be promptly found out and arrested, quickly tried before constitutional courts, and effectually punished. It would end all this agitation in favor of military tribunals dealing with this species of crime. We must deal out punishment for these crimes quickly and effectually, and we can only do it by a centralized and vigorous system of secret service. Let us not lose our heads. Let us follow constitutional methods. That constitutes seven reasons why this bill ought to be immediately passed.

I next come to the Army for just a moment. In the Army we have an Army Medical Museum and Library, and an Army medical school, and the office of the attending surgeon, whatever that is—I do not know. We have three different supply bureaus already, and in the Navy we have a Bureau of Medicine and Surgery, a Navy medical school, a Navy hospital, and a board for the examination of medical officers, and a Navy dispensary, and a board of medical examiners. There are 8 or 10 different boards in those two departments. Is it possible that these do not constitute alone a reason why we should have centralized effort and centralized energy in the conduct of the war?

Now we come to the Bureau of Navigation in the Commerce Department and a Bureau of Navigation in the Navy Department. Why have both? There is some little reason for it, which I shall not go into, but it could be managed a thousandfold better if the two were consolidated.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. I would prefer if the Senator would just make a memorandum and call my attention to it a little later. I do not object to answering his question, but I will be glad if he will just retain it for a few moments until I get through with what I want to say on this particular subject.

We have a United States Shipping Board and an Emergency Fleet Corporation. Is there any Senator here who would like to keep them separate any longer? We have had them separate

for quite a while. We have not many ships. We have been greatly disappointed because ships have not been built as fast as they might have been built. We did go as far as to make the same man an executive officer of both not long ago. Does any Senator want to keep them apart by law? Is it not the view of every Senator here that these two boards ought to be consolidated, and especially now since they have put a real skilled man at the head of it, and I mean no reflection at all upon the splendid men who have heretofore managed and controlled those corporations? They were bound down by shackles of law and of many untoward circumstances; and they could not do any better, bound down as they were. I think every Senator here will agree with me that there ought to be a consolidation here of these two bureaus.

Again, some years ago, in a law that was passed, I believe, about two years ago, it was thought wise for the Executive to take over the railroads of the country in certain war contingencies. If this Overman bill had been the law, all he would have had to have done was to have selected the best man for that particular work. Under the law as it was, hampered by legal interference with Executive powers, the President had to go to the Secretary of War and get his consent to transfer the powers to Mr. McAdoo, whom he desired to appoint to take over the railroads and who was peculiarly fitted for that particular office. Acting under this bill, the President would have had a right to have appointed Mr. McAdoo directly; and that is the kind of authority he ought to have during this war. If we want the best executive service, we ought to give him no legislative power—I am just as much against giving the President legislative power as is any other Senator—but what I contend for is that we ought to give him executive power; we ought to allow him to run his department of the Government in his own way, unhampered by legal red tape, and to hold him responsible for it. We should give him full power over all his executive bureaus. That is reasonable; that is what our Constitution says we ought to do. I am not contending that we ought to give powers of legislation to the President; oh, no; but I say again—and I hope I can put it into the minds of Senators—that we ought to give him the right to manage his own executive office in a way that will be best for the country. I am not, however, through with concrete examples.

Here is the whole Council of National Defense. I hardly know what to say when I come to discuss that useless body, but I think I ought to be very careful in what I say. It is a useless body, taken as a whole, with its commissions and its committees and its advisory commissions and its advisory committees, amounting to several thousand men. Why, we ought to give the President the right to abolish the whole business, and select such of the men as are doing good service, giving them honest pay for their services, and retaining them in their proper positions in the Government. The policy of this Government accepting the gratuitous services of its citizens is all wrong; and, when we come to think about it, there is always a doubt whether or not those services are really gratuitous. We know they are not in all cases. The President ought to be given the power to weed them out, taking those that are all right and honest and straight, men who are helpful to the Government, giving them places under the Government, and making them stand solely for the Government. Those who are profiteering should be stricken from the rolls of Government service in disgrace forever.

Then I come, in the next place, to the "dollar-a-year men." They are just a part of the system. The President ought to be given the power to abolish these "dollar-a-year men." The whole country has decided, by common consent, that they ought to have been abolished long ago. I do not mean by that that all men who serve the Government at a dollar a year are incompetent or improperly here; many of them are amongst the most patriotic citizens we have; but the President ought to be given the power to select those who are all right, and to put them to work at a fair and proper salary for the Government alone, they not to have any other interests but the Government's.

Then I come to the advisory commissions. We all know that those ought to be dismissed. I am merely saying what I would do if I were there and what you would do if you were there. You would dismiss them, taking the very best of them and putting them to work for the Government at a proper salary such as they ought to have. This is what I hope the President will do.

Again, I come to the most important of all of them. Some Senator challenged, I think, the Senator from North Carolina [Mr. OVERMAN] the other day to give a concrete example why the passage of this bill was necessary. I have mentioned 17 or 18 already, and really those are merely a start; I am not going

into all of them; I have merely selected a few; but there are hundreds of others which the President will no doubt weed out, if we pass this bill, to the great benefit of the Government and to the great benefit of the American people in this time of war.

Mr. President, we come next to the Supply Division of the Army and the Navy. What do we find? We find, under the system that was in vogue until a short time ago, five of the great departments of the Army were competitive purchasing agencies. We had a purchasing agency for the Ordnance Department; we find another for The Adjutant General's Department; we had another for the Signal Corps; we had another for the Medical Corps; we had still another for the Quartermaster Corps; every one of them competing each with the other for those things that are absolutely necessary in supplying our Army—competing over clothes; competing over uniforms; competing over shoes; competing over steel. All of the products of this country were included in one or the other of them, and there was competition of the largest and most active kind. There is not any possible excuse for that.

Those are not all of them. When you come to enumerate those five you will find that they were competing with the Navy Department as to practically everything. Is it any wonder that the Government has had to pay enormous prices under a system like that? Is it any wonder that we fail to get clothes and uniforms for our boys on time? Is it any wonder that we failed to get guns and ammunition on time under such a system of purchase and supply? Senators, we ought to rectify it at the earliest possible moment. I have often thought, after having examined into both systems—this system of the War Department and its diffusion of purchases under five great heads, all competing with one another, and then the whole system competing with the Navy, and then seeing how splendidly the purchases of the Navy Department have been managed under one head—I have often thought it would be a splendid thing if the President had this power and would appoint a man like Admiral McGowan, who has shown such remarkable skill and ability in the management of his office, to take charge of it and buy the supplies for the whole service.

Why, Senators, from a careful examination of the prices which have been paid, of the system that has been used up to date, I will say that I believe that if we had an organized, centralized, coordinated, purchasing system for our Army and Navy we could and would save this Government \$1,000,000,000 a year every year during this war. I see members of the Military Affairs Committee of the Senate here in the Chamber, and I desire to say that I believe that they will all agree that this statement is substantially correct, that if we had a centralized, organized, system of purchasing supplies, with an honest, energetic, forceful, capable, and determined man at the head of it, if no advisory committees and no dollar-a-year men were connected with the system, we could save this Government \$1,000,000,000 a year. With these facts before us, which are admitted by everybody who knows, can Senators say that there are no concrete examples showing a necessity for the passage of this bill? I can not believe it.

Some Senators say it is a bill giving the President too much power. My answer to that is that it is all executive power, we are not giving him legislative power. It is all power connected with his administration of his own office, which department is coordinate with ours.

Mr. President, here are some 19 concrete illustrations of how this power can be used for the benefit of the American people to-day. I should like Senators to read them in the Record to-morrow, and see if they do not commend themselves to them as reasons why this bill should be passed.

I do not know how the President is going to use these powers, but I know I would use the powers along that kind of lines if I occupied that position and other Senators would most likely do the same thing under like circumstances, and so I imagine the President is going to act along such lines, generally speaking, though I have not talked with him on the subject, and I do not know. However, he will have the power to do so; we shall have put the responsibility and the burden on him, and under the laws and Constitution of the United States it belongs to him.

Mr. President, it is said that this bill is radical; that it is revolutionary; that it goes too far in conferring unusual powers on the Executive. Well, there are a great many Senators in this body who were in favor of both the munitions-ministry bill and the war-cabinet bill. I felt, too, that something along that line ought to be done, as my colleagues on the committee know. The war-cabinet bill, as was so splendidly pointed out yesterday by the distinguished and able senior Senator from Tennessee [Mr. SHIELDS], goes much further in the powers it confers upon the Executive than does this bill. It creates new offices and new centralized authority, whereas this bill merely

permits the President to coordinate and consolidate offices already established. The speech of Senator SHIELDS is a classic on the legal aspects of this bill. It should be carefully weighed by any Senator who is in doubt. Senator SHIELDS is one of the ablest lawyers in the Senate, and his speech on the legal and constitutional aspects of this bill is a valuable contribution to this debate.

If Senators will bear with me just a little longer, I want to point out this remarkable fact, that as far back as 1853 the Congress recognized that reorganizations in the executive departments ought to be had. What did they do then? They passed a law giving the heads of the departments the power from time to time to alter and distribute among the various bureaus and offices of the departments the various functions performed in those departments. Is it possible that we have come to a point where we will say by our legislation that we are willing to give the power to alter and consolidate bureaus, divisions, commissions, and the like, to the various heads of the departments, who are nothing but the arms of the President, and decline to give equal power to the President himself to make such consolidations; and that, too, in time of war? It seems to me that, whatever may have been the powers given to the heads of the departments heretofore, now that we are engaged in war we ought to give them to the one strong, vigorous, virile head of the whole Government, who is carrying on the war and who is responsible under the law and to the people for the conduct of all the departments as well as responsible for the whole conduct of the war.

More than that, I see Senators before me this afternoon who voted to give the President power similar to this, although probably it did not go quite so far as this. I did not have the honor of being a Member of this body at the time, but I voted for the bill in the other House. On March 3, 1917, this law was passed:

The Bureau of Efficiency shall investigate duplication of service in the various executive departments of the Government, including bureaus and divisions, and make a report to the President, who is hereby authorized, after such reports shall have been made to him, wherever he finds such duplication to exist, to abolish the same.

In other words, Mr. President, we find that the Congress itself has passed a measure not as full and as ample as the proposed law, but along exactly the same lines and having the same purposes. The Congress first gave the authority to the heads of the departments which, if not exercised properly, they then turned it over to the President. The only trouble is that they did not go far enough. Those were times of peace. Surely, if such laws as have just been discussed were proper in times of peace, now when we are in the greatest war that the world has ever known the President ought to have the right to organize the several executive departments as he sees fit.

It has never been objected that the Congress had no right to confer upon the heads of the departments the right to redistribute the agencies within such departments. Surely, if Congress has the power to delegate this power to the heads of departments, it also has the right to delegate it to the President, who is the real executive head of the department.

It was in the power of the President to change his Cabinet at will, and also the power conferred upon the executive department, as set out in these statutes, that no doubt gave to the distinguished Senator from Pennsylvania [Mr. KNOX] the view that the President already had all these powers now.

There is no doubt in my mind that the President has many of the powers now, but certainly there is no real reason why he should not have the authority asked for in this bill.

The provision which I have quoted is along the same line as the pending bill, and I have mentioned it for the purpose of showing that this bill is not revolutionary; that it is not unusual; but it is in conformity with past acts in our legislative history since the year 1853 until March 3, 1917. In other words, we find the Congress itself, even as late as March, 1917, giving the President these powers. I have already referred to the war-cabinet bill, which goes much further than this bill, and I shall not refer to it again.

Mr. President, the investigations of the Committee on Military Affairs were the real beginning of this legislation. It was those investigations which showed the reason, the need, and the necessity for the pending legislation. Can any Senator, after knowing that these conditions exist, these complicated conditions, these rival bureaus doing the same work, these duplications of services, these useless offices, contend that there should not be some reorganization and redistribution of executive functions? They not only cost the Government a great deal, but they are clogging the machinery of the Government at this time when we ought to be energetic and effective. We can not be energetic so long as power is diffused over so much territory and in so many hands as it is to-day.

Mr. President, I think that disposes of the question of the necessity for passing this bill. Mind you, all the committees that have handled the matter have reported that some action is necessary. I doubt if there is any Senator on this floor who does not think that some action looking to the reorganization of the executive departments is necessary. The President himself says it is necessary. President Taft said it was necessary many years ago, even in times of peace. The newspapers of the country say it is necessary. The whole people feel that there ought to be greater energy and greater centralization of power and action in the executive branch of the Government, so that our country may proceed on its way to victory over Germany.

Then, if the necessity exists, we next come to the question of whether we can do it under the Constitution. Senators have argued very ably that this bill is unconstitutional. Before going into the constitutional branch of the subject, I wish to take a moment or two to discuss the executive side of this controversy.

We are all reasonably familiar with the Constitution. In order to find out whether the measure is unusual, whether it is revolutionary, let us go back to the history of the Executive for a few moments. I will only suggest these matters to Senators, for they have all read the books concerning these questions and probably are more familiar with them than I am; but it must be remembered that under the confederation we had no executive; the various States were the executive power. Then came the formation of the Constitution, and one of the greatest debates that took place in the Constitutional Convention was over the question as to whether we should have a council as executive or whether we should have an individual executive. We had just been at war with England, where the executive power was reposed in a crowned head, a king, and where they had an executive council. The American people and the American Constitutional Convention, which established the Constitution, as representatives of the people, were jealous of both. Such men as Mr. Gerry, of Massachusetts, and Mr. Randolph, of Virginia, ably and earnestly argued that the executive power ought not to be put in the hands of an individual, that it ought to be in a council of not less than three; but James Wilson, of Pennsylvania, made the fight for one individual executive and finally won. What were the powers that were given? I am referring to this for the purpose of showing how necessary it was in the minds of the framers of this great instrument that the Executive should have proper and competent powers.

Mr. President, right here let me say that I am not going to read the provisions of the Constitution that give executive powers, but I ask unanimous consent that they may be inserted in the RECORD.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

ART. II, SEC. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session.

ART. II, SEC. 3. He shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Mr. McKELLAR. The President also was required to take the following oath:

I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States and will to the best of my ability preserve, protect, and defend the Constitution of the United States.

I want to call the particular attention of the Senate to a quotation from the Federalist, this particular article being written by Mr. Hamilton:

There is an idea, which is not without its defects, that a vigorous executive is inconsistent with the genius of republican government. The enlightened well-wishers of this species of government must at least hope that the supposition is destitute of foundation, since they can never admit its truth without at the same time admitting the condemnation of their own principles. Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign tax; it is not less essen-

tial to the steady administration of the laws, to the protection of property against those regal and high-handed combinations which sometimes interrupt the ordinary course of justice, to the security of liberty against the enterprise and assaults of ambition, of faction, and of anarchy.

Taking it for granted, therefore, that all men of sense will agree in the necessity of an energetic executive, it will only remain to set out the ingredients which constitute this energy. How far can they be combined with those other ingredients which constitute safety in the republican sense, and how far does this combination characterize the plan which has been reported by the convention?

Here is the meat of the statement:

The ingredients which constitute energy in the Executive are: First, unity; secondly, duration; thirdly, an adequate provision for its support; and fourthly, competent powers.

Let us apply that to the situation as it is to-day. We have the individual as President. We have a proper duration of the office for the conduct of the war, nearly three years more of this term. Congress has given the Executive unlimited means. The only other question is, Has he the competent power? He says he has not; and all those who are familiar with conditions here know that he has not the competent powers to manage his executive end of the war in the best possible way for the good of the country at this time.

Now, why should we not give it to him? Are we jealous of him? Oh, no, I can not believe that any Senator would feel that way. Are we afraid? I can not understand that. Why should we be? We have checks and balances on him. If he were to misuse the powers—and, of course, no one believes he will do that—Congress always has the power to call a halt to it. Why should we not give him the competent powers? Do we not all want him to accomplish the same purpose? We want him to win this war. Why should he not have the competent powers?

I say that we should give them to him. This bill would give them to him, and when we give them to him we are putting the burden of their proper exercise on him under the law and the Constitution. He is the man who controls this situation as Executive; and, mind you, I am talking about the President as Executive only. I do not think this bill applies at all, except in an inferential way or in a remote degree, to his office as Commander in Chief. We can not interfere with his powers as Commander in Chief in the field of the Army and the Navy. What we might say would not make any difference in his exercise of those powers. I am talking about his executive powers, and we ought to give him competent powers to carry out the functions of his office as Executive in the time of a great war.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I yield to the Senator from Iowa.

Mr. CUMMINS. How can Congress give to the President executive powers? The Constitution vests all the executive powers of the Government in the President, and I do not see how we can either enlarge or diminish his executive powers.

Mr. McKELLAR. I am glad the Senator has asked that question. I will say to the Senator that he will find that through a long system of legislation Congress constantly has given to bureaus and departments and divisions of Government portions of the executive power, and this bill is intended to unshackle or to take away from those underofficers the power that Congress has heretofore given to them—of course, with the consent of the President. They are really executive powers that have been conferred upon some individual or some bureau in some department, and this bill merely proposes to hand them back to the Executive. In that connection, I want to call the attention of the Senate to this fact: We have been heretofore legislating by giving authority to the various departments of the Government. We have 10 executive departments. Under the theory of our Constitution, of course, these 10 executive departments are but 10 arms of the President. They are part of the executive function. They are part of the executive office. It is true that we have given many of them other powers, some legislative powers, some almost judicial powers, and some executive powers. I have looked into the question of the President's Cabinet. It is not, strictly speaking, a constitutional body. It is referred to in the Constitution in two different places, but it is not, strictly speaking, a constitutional body by express provision.

Mr. CUMMINS rose.

Mr. McKELLAR. If the Senator will excuse me for just a minute, I will yield in a moment. I have found this remarkable thing, or what appears to me to be this remarkable situation: The Secretary of State is not required by statute to be confirmed by the Senate. The Secretary of War is in the same condition. The Secretary of the Treasury is in the same condition. The Attorney General is in the same condition. The Secretary of the Navy is in the same condition. Each office was created by a separate act of Congress, and nothing is said in any of them

about confirmation by the Senate. Later on, when other departments were founded, Congress did provide that the newly made heads of them should be confirmed, and I think a reasonable interpretation of the Constitution requires that all of them should be confirmed, since their offices are not inferior offices in any way within the meaning of the Constitution, although the Secretary of State in the beginning was but a clerk to the President. The duties of the Secretary of State are specifically placed by the express terms of the Constitution upon the President himself.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I yield.

Mr. CUMMINS. Will the Senator from Tennessee help the Senate by attempting to define what executive power is?

Mr. McKELLAR. I have been very, very much interested in that question, and I find that the line of demarcation between what is executive power and what is legislative power and what is judicial power under our Constitution is so vague and indefinite in many cases that it is almost impossible for any man to tell what it is. I imagine that with the great constitutional learning and the great ability of my very able friend from Iowa he probably can give the Senate a better definition of what is executive power than I can give. But I find that the courts have held that these Cabinet officers and these departments are nothing in the world but branches of the Executive office; that the President is responsible for all the acts of all of the 10 Secretaries and of all the 10 departments. Since the Senator has asked me that question, I have the opinion of the court right here, and I call the Senator's particular attention to it.

It will be seen that the only reference to executive departments is that the President would have a right to call on them for an opinion in writing in reference to matters relating to the duties of their respective offices. In other words, it is perfectly apparent that the framers of the Constitution intended that the President, with the limitations mentioned in the Constitution, should be the executive authority, and that this authority was not to be divided up with a council or Cabinet or with any of the members thereof. This view is upheld by the courts. In the case of *Wilcox v. Jackson* (13 Pet., 498) it was held:

[This case involved the taking of certain land and the occupying of same through the orders of the Secretary of War, and the court held, among other things, as follows:]

"Now, although the immediate agent in requiring this reservation was the Secretary of War, yet we feel justified in presuming that it was done by the approbation and direction of the President. The President speaks and acts through the heads of the several departments in relation to subjects which appertain to their respective duties. Both military posts and Indian affairs, including agencies, belong to the War Department. Hence we consider the act of the War Department in requiring this reservation to be made as being in legal contemplation of the act of the President, and consequently that the reservation thus made was in legal effect a reservation made by order of the President within the terms of the act of Congress."

Again, in *United States v. Eliason* (16 Pet., 291) it was held:

The power of the Executive to establish rules and regulations for the Government of the Army is undoubted. The very appeal made by the defendant to the fourteenth section of the sixty-seventh article of the Army Regulations is a recognition of this right. The power to establish implies, necessarily, the power to modify or repeal or to create anew. The Secretary of War is the regular constitutional organ of the President for the administration of the Military Establishment of the Nation; and rules and orders publicly promulgated through him must be received as the acts of the Executive, and as such be binding upon all within the sphere of his legal and constitutional authority.

There is no doubt that the various departments and the various Cabinet officers are not independent executive agencies, but they are all executive agencies under the President. That question has been settled by the court and was settled by the Congress itself, if it could do so, away back yonder in 1836. The Senator from Iowa will find, by an examination of the history of the Cabinet and the decisions had about it, that the Secretary of the Treasury is the only Cabinet officer who is required to report to Congress. Of course there was a reason for that. He had to do with the revenue, and only Congress had to do with the revenue, and he was required to report to Congress. So when the great fight came on, some time between 1830 and 1840, between President Andrew Jackson and those who wanted to maintain the United States Bank, it was actually argued that the Secretary of the Treasury was not an executive officer at all; that he was a legislative officer, an officer of the Congress; and I believe a bill was introduced to provide for the dismissal of the then Secretary and the appointment of a Secretary of the Treasury by the Congress. Of course, however, that bill was not passed. All the courts have held that each of the executive departments is merely an arm of the Executive, and the Executive is responsible for all their acts, and when the departments within their several authorities do an act it is in law and in

fact the act of the President of the United States, of the Executive.

Now, the trouble is—and I address myself particularly to the Senator from Iowa [Mr. CUMMINS], in whose address I was greatly interested the other day, and the Senator from Georgia [Mr. SMITH], too, whose wonderful ability was so aptly shown in the address that he made on that occasion—

Mr. CUMMINS. Mr. President, may I make a suggestion to the Senator from Tennessee?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I yield.

Mr. CUMMINS. The Senator from Tennessee need not spend any time in attempting to convince me that the members of the Cabinet are executive officers. I have no doubt about it. I am sure that they are.

Mr. McKELLAR. Then, as I understand the Senator, he is of the opinion that these various powers, such as are put in this bill, and such as were given the President under the act of 1917, are executive powers. The Senator was a Member of the Senate at that time, and the RECORD does not show that he voted against it. That act gave the President directly similar powers to those given to him under this bill.

Mr. CUMMINS. Mr. President, possibly I ought to qualify that statement a little. I think that a great many of the duties of the Department of Justice are not executive in their character; but I can not now think of any exceptions so far as other Cabinet departments are concerned.

Mr. McKELLAR. I think if the Senator will reexamine the history of the Department of Justice—I know he has examined it time and again before—he probably will change his mind on that subject, for this reason: The original act of 1789, which is supposed to have constituted the Department of Justice, did not constitute the Department of Justice at all. It just created the office of Attorney General, and provided for his appointment. He was then an advisor of the President. It was supposed at that time that he was largely a personal advisor. Of course the country then was very small in comparison with what it is now, and a situation existed that was quite different from the present one; but the Department of Justice, as such, was not even established until 1870.

Mr. CUMMINS. Oh, I understand that.

Mr. McKELLAR. Originally the Attorney General was an advisor of the President, and some people even doubted whether his place was entitled to be called a Cabinet office or not.

Mr. CUMMINS. I do not think it makes any difference whether one of the departments is known to the Constitution or created by law, or how it sprang into existence; I think the principle would remain just the same. But the Senator from Tennessee certainly would not insist that when the Attorney General files a bill in equity in behalf of the United States for relief to which he thinks the country is entitled he is performing an executive act; or that when he makes an argument before the Supreme Court of the United States in litigation pending he is performing an executive act; or when he files an information upon which some one charged with crime can be brought to justice—I am sure the Senator from Tennessee will not claim that any of these things constitutes an executive act.

Mr. McKELLAR. At first blush, I will say to the Senator, I am inclined to think they do. The line of demarcation is hazy; I will grant the Senator that; but I am inclined to think that when the Attorney General files a bill on behalf of the United States under a legislative act directing somebody to execute it, and that is the mode pointed out by the statute of executing it, he is doing an executive act, and that is part of the executive branch of the service. That is just my notion, offhand. I have not had my attention called to it previously, nor have I ever examined the authorities on the question.

Mr. President, the next question—and I shall take only a short time longer—is this: Is this bill constitutional? I want to say that if I believed that this bill was not constitutional I would never vote for it. I believe that the Constitution of the United States is supreme. I believe that when I took an oath to support the Constitution that oath meant something real, something concrete. I would not vote for a measure that I believed was unconstitutional. If any Senator believes that this bill is unconstitutional he ought not to vote for it. I can not better illustrate my views about the Constitution during this time of war than by reading a very short excerpt from a very great lawyer and judge, and he was speaking for a very great court, the Supreme Court of the United States. It is a case that has been referred to frequently. It is a short excerpt that I want to read, and it is a case that has been referred to recently on this floor.

I can not do better than to spend a minute and a half or two minutes in reading this statement to the Senate again. Mr. Justice Davis, in the Milligan case, in Fourth Wallace, said:

Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seem by sharp and decisive measures to accomplish ends deemed just and proper, and that the principles of constitutional liberty would be in peril unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence (pp. 120-121).

I read this because it is appropriate to more than one bill. It is appropriate to this bill. It is a direct answer, as I conceive it, to the argument of the distinguished Senator from Illinois [Mr. LEWIS], who has argued that the Constitution is, or many provisions of it are, suspended in time of war. I do not believe in any such doctrine. If I believed that this law was unconstitutional, I would not vote for it. The court continues to say, very briefly:

The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law (p. 139).

Mr. President, we hear much about an invasion of the rights and functions of the legislative branch by the executive branch of this Government. We hear much about how sometimes one and then another Executive has undertaken to invade the jurisdiction and assume the functions of the legislative branch. Did it ever occur to Senators that we frequently invade the jurisdiction and may sometimes assume the functions of the Executive? We have done it time and again, in establishing these various bureaus and divisions in the departments. We have separated them when they ought not to be separated. We have put limitations on Executive functions when we ought not to have done it. Among a hundred different bureaus, divisions, and departments by a course of legislation of over a hundred years, we have, unwittingly perhaps, but nevertheless done it just the same, diffused the Executive powers into the hands of others. We have established a bureaucratic form of government, contrary to the purpose and intent of the Constitution, as I believe. This bill simply provides that the Executive shall exercise his proper functions, and I say to Senators at this time of the greatest crisis we have ever had in our country, if there ever was a time when we needed a strong Executive with ample power to carry out the plans that we formulate for him, now is the time. We have the strong Executive. We need only to give him the power. I ask Senators, not upon the mistaken view that this bill is unconstitutional, for it is not, not to withhold from the Executive those powers that will permit him to conduct his office as we expect him to conduct it. There have been many shortcomings in various executive branches. Let there be no excuse for it in the future. Put the power where it belongs. We can not run this war. The law confers that duty upon the executive branch of the Government. Do not let us hamper him. I am not speaking for the President. I am speaking for the country. I am speaking for the Constitution. I am speaking for the democracy of the fathers. The laws and the people have given him the place. Let us give him the power to give the place energy and vigor and efficiency and push, so that we may win this war. There is but one question before the American people to-day and that is how we may best and quickest lick the Germans.

Mr. President, I come to the next question. Senators say, "Oh, well; the bill is unconstitutional." Why? Because it gives legislative power, they say.

I have heretofore set forth the material provisions of this bill. What power is granted the President under it? Substantially it is to prescribe rules and regulations by which he can conduct his own department of the Government. He is the Executive of the Government. The members of his Cabinet are merely his 10 executive arms. The departments presided over by these cabinets are merely the instrumentalities through which he executes his office. As was said by Judge Davis in the Milligan case, the power to make the necessary laws is in Congress, but the power to execute is in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its new exercise.

As I have always understood it, the executive branch of the Government is a coordinate branch of the Government, but learned Senators are speaking of the powers given in this bill, not as Executive powers but as some unusual powers that the Congress is conferring upon the President. As I look at it, it is merely putting him in a position so that he can execute the duties of his own office.

Surely he should be allowed to say how he desires to arrange the executive instrumentalities that the Congress has arranged for him. As a matter of fact laws that the Congress has heretofore passed have very greatly restricted the President and the administrative service, as I have heretofore argued. These laws, of course, bind the administrative officials in the discharge of their duties, and as we all know the Constitution entered into a great deal of detail and has imposed very great limitations upon the powers of the Executive and those immediately under him.

This bill, in its last analysis, simply gives the Executive the right to establish rules and regulations under which the executive departments of the Government must be centralized, coordinated, and made effective in this war. That this bill is constitutional there can be no doubt upon an examination of the authorities.

Of course, it is conceded that Congress must delegate legislative power to the President. Our Supreme Court in the case of *Field v. Clark* (143 U. S., 692) has directly passed upon the question. In that case, as Senators recall, the Congress by what is known as the tariff act of October 1, 1890, placed rates of import duty upon a vast number of articles.

Section 3 of the act provided that in order to secure reciprocal trade with countries producing sugar and other articles the President, whenever he should be satisfied that the government of any country producing said articles imposed duties on the same that were unequal and unreasonable, should have the power to suspend by proclamation the provision of the act. This provision of the tariff act was attacked on the grounds that it delegated the power to the President to legislate and the power to declare an act void in part.

Mr. Justice Harlan, speaking for the majority of the court, held, after going over all the cases, that the act was constitutional. In that act the President was given the right to suspend the law whenever he need; that is, whenever he found that the duties were unequal and unreasonable, to suspend the law. The cases are directly in point, for under this bill the President is during the period of this war given the right to suspend. The provisions are various acts regulating the executive department whenever he deemed necessary, or, as construed by the Supreme Court, whenever after examination he should find that a redistribution or consolidation or transfer of duties would be beneficial to the officer of his department.

The *Field* case is much stronger than the case presented in this bill, because the act in the *Field* case had to do with purely a legislative function, while the proposed act in this case has to do solely and alone with executive functions, concerning which there is doubt in the minds of many as to whether the President may not have the right to make the regulations anyhow. Certainly he has the right to make them under his general executive authority and under statutes already in existence. It has been held—

The regulations prescribed by the President and by the heads of departments under authority granted by Congress may be regulations prescribed by law, so as lawfully to support acts done under them and in accordance with them, and may thus have in a proper sense the force of law, but it does not follow that a thing required by them is a thing so required by law as to make the neglect to do the thing a criminal offense in a citizen where a statute does not distinctly make the neglect in question a criminal offense. (144 U. S., p. 688.)

The case of *Interstate Commerce Commission against the Railroad Company* (167 U. S., 493) is illuminating. Mr. Justice Brewer delivered the opinion of the court. The question was whether the Congress had, under the interstate commerce act, conferred upon the commission the legislative power of prescribing rates, either maximum or minimum or absolute. In that case it is indeed held as follows:

First, that Congress might itself have prescribed the rates, or, second, it might have committed the same to some subordinate tribunal to perform this duty. Apparently, according to this holding, Congress has the right to delegate to a subordinate body the right to legislate. I quote from the opinion of the court, on page 494, as follows:

Before the passage of the act it was generally believed that there were great abuses in railroad management and railroad transportation, and the grave question which Congress had to consider was how those abuses should be corrected and what control should be taken of the business of such corporations. The present inquiry is limited to the question as to what it determined should be done with reference to the matter of rates. There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates, or

it might commit to some subordinate tribunal this duty, or it might leave with the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable. There is nothing in the act fixing rates. Congress did not attempt to exercise that power, and if we examine the legislative and public history of the day it is apparent that there was no serious thought of doing so (p. 494).

A very similar situation exists in reference to this bill. For some time it has been believed that great abuses have existed in the effective administration of the War Department and other departments; that too much red tape exists; that there are too many officers and employees engaged in different bureaus in doing the same thing; that there is no coordination of work; that there is no coordination of duty; that each department has many separate bureaus and divisions acting separately; and that large amounts of work are being duplicated. It is believed that because of the war innumerable other commissions and bureaus and boards and officials and committees, advisory and otherwise, have grown up, and all of these separate and independent organizations have led to disorganization and to lack of efficient administration.

One of the great questions before Congress and before the American people for the last several months has been the question of how to locate these abuses. The Military Committee suggested one method; the distinguished Senator from Iowa suggested another method. The President of the United States has suggested the method contained in this bill. There can be no doubt that Congress has the authority to adopt any method that it sees fit. The bill requires the President to publish these regulations, and when they are published they have all the force and effect of law.

Are these cases in point? In this bill we are giving the President the power to suspend certain of the operations of various acts creating various branches in the executive departments.

Mr. President, these cases are sufficient. There are many others which can be cited. If the powers conferred in this bill are mere Executive powers, and he already has them, as argued by the distinguished Senator from Pennsylvania, it could be no injury to give them again. I agree with that able Senator; he already possesses many of them.

I next come to the proposition submitted by my friend the Senator from Georgia [Mr. SMITH]. He says just excuse the Interstate Commerce Commission and the Federal Reserve Board and there will be no trouble about it, and that he will vote for the bill.

Mr. President, all of us have heard of shutting the stable door after the horse has been stolen. To excuse the Interstate Commerce Commission at this time would be a repetition of that act. We have already given the President greater control over the Interstate Commerce Commission than this bill gives by an act that is already the law and for which all Senators here voted, as I recall. Certainly they did not vote against it. We have already given the President greater authority over the Interstate Commerce Commission than this bill gives him.

I want to read just an excerpt from that law. It does provide that the Interstate Commerce Commission can pass upon the questions that it has been in the habit of passing upon as before, but at the same time it adds this apparently innocent-looking proviso:

Provided, however, That when the President shall find and certify to the Interstate Commerce Commission that in order to defray the expenses of Federal control and operation fairly chargeable to railway operating expenses, and also to pay railway tax accruals other than war taxes, net rents for joint facilities and equipment, and compensation to the carriers, operating as a unit, it is necessary to increase the railway operating revenues the Interstate Commerce Commission in determining the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice shall take into consideration said finding and certificate by the President, together with such recommendations as he may make.

We waste our time in wondering whether or not we are giving any peculiar or unusual powers to the President over the Interstate Commerce Commission after the enactment of such a law, practically by the unanimous consent of this body. It seems to me, we are talking about something, with all due respect to the distinguished Senator from Georgia, whom I admire very greatly, that question is behind us. We have already given the Executive the power over the Interstate Commerce Commission. The Senator from Georgia says that we must not assume that the Interstate Commerce Commission will not do its full duty. I agree with the Senator about that, but I say that that commission will not rise above the President; it will not make its opinions regardless of him in view of the law as we have already made it. If they do they are going directly in the teeth of this statute that we have already enacted, because we have commanded them, we have directed them, we have enjoined upon them, that they must consider what the President says about these rates, in rendering their decision, and there is no answer to that proposition.

Mr. SMITH of Georgia. Does the Senator claim that considering a question requires that it should be accepted as conclusive, without regard to other testimony? Is that the Senator's position?

Mr. McKELLAR. No; that is not my position. I will say to the Senator that I think, under the particular wording of this statute, and knowing what the Senator believes about it and what the Senator said the other day about it, I am sure he is in a very doubtful state of mind and probably would not have voted for that bill if the full force of it had been brought to him before he voted for it. The act says the commission must take into consideration said finding of the President and certificate by the President. Not only the finding but the certificate; that these are necessary, together with such recommendations of the President. First, in other words, whatever facts the President gives them they must take into consideration, then the certificate made by the President, and then finally they have got to take into consideration the recommendation given them by the President. It is an absolute case.

I am not a prophet nor the son of a prophet, but I venture the prediction right here and now that it makes no matter what President ever makes that finding and that certificate and that recommendation to any Interstate Commerce Commission in accordance with that proviso, that finding, that certificate, and that recommendation of the President are going to be the last word, and the commission will uphold it.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I yield.

Mr. CUMMINS. I am very glad to hear the Senator from Tennessee denounce the recent railroad law in that respect; that is, he inferentially denounces it, and there is a good deal of weight in what he says. What I desire to ask him now is this: Does the Senator think—

Mr. McKELLAR. Before the Senator asks his question, I want to say that I do not want to be put in the attitude of denouncing a law after voting for it. I do not think anyone should be put in that attitude. I merely say whatever may be the merits of that provision of the railroad law, it removes any objection to voting for this bill because of any interference with the Interstate Commerce Commission.

Mr. CUMMINS. I did not vote for it.

Mr. McKELLAR. The Record does not show that anyone voted against it, as I explained in the beginning. There was no yea-and-nay vote. I, of course, can not say how the Senator voted. Since his statement I am sure he did not vote for it, but evidently he did oppose it.

Mr. CUMMINS. I do not believe in it.

Mr. McKELLAR. I am sure the Senator does not.

Mr. CUMMINS. I made the objection then that I am making now. Although I do not agree with the Senator's interpretation of the law, I think there is still something left that the Interstate Commerce Commission can do for the protection of the people. But that is not what I rose to say. I rose to ask the Senator from Tennessee whether, in his opinion, we have also given to the President the power to make a valuation of the railroad property of the United States. You remember—

Mr. McKELLAR. I recall it.

Mr. CUMMINS. Some four years ago we charged the Interstate Commerce Commission with that duty. It has gone forward and expended a good many million dollars on that undertaking. Does the Senator think that the law we passed a short while ago took that power or duty away from the Interstate Commerce Commission and gave it to the President?

Mr. McKELLAR. I am not sure about that. I doubt if it did; but, on the other hand, may I ask the Senator a question?

Mr. CUMMINS. Yes; you may.

Mr. McKELLAR. It is a question bearing on the same proposition. Could the Senator say whether he believes that the valuation of the railroads is such a subject as can be held to be connected with the war under the terms of the provisions of the Overman bill? I have my very grave doubts about it. I will say to the Senator. I do not think that function of the Interstate Commerce Commission could be disturbed under this bill. It has nothing to do with the war.

Mr. CUMMINS. If I were administering the law, I might have some doubt of it; but, guided by what has been said here and what is thought elsewhere, I am quite clear that the President might reach the conclusion that it had some relation to the war. I may say, further, it is one of the duties which, in my opinion, is still left with the Interstate Commerce Commission.

Mr. McKELLAR. The valuation of the railroads?

Mr. CUMMINS. The valuation of the railroads.

Mr. McKELLAR. I do not think the proposed statute that we are discussing now, known as the Overman bill, affects in the slightest or remotest degree that question. I do not think the President has any right to consolidate or rearrange any office except those that pertain to this war, and for the life of me I can not see how the independent function of valuing the railroads can be regarded as a war activity. It may be, but I do not believe it. I would not construe it that way if I were doing the construing. For that reason I think it is immaterial whether that particular question arises in this case or not.

Mr. CUMMINS. That question, after all, will have to be decided by the President, from which there would be no review or appeal.

Mr. McKELLAR. I am not so sure about that. I think any invasion of the right would be subject to review.

Mr. SMITH of Georgia. Will the Senator let me ask him a question?

Mr. McKELLAR. I yield to the Senator.

Mr. SMITH of Georgia. Does not the Senator recognize the fact that the certificate of the President has reference to the total problem of income, and in no way affects the distribution of rates, with reference to discriminatory rates or with reference as to commodities or as to localities? That all bears simply upon the total amount that must be raised, and in no way affects the important question of discrimination.

Mr. McKELLAR. I will say to the Senator that I do not think it has any such limitations as he suggests should be put upon it. I think this provision is full, ample, and complete, and that it gives the President the right; if he is not satisfied with a rate that is fixed by the Interstate Commerce Commission, all he has to do to correct it and to have it fixed according to what he believes it should be fixed is to make this finding, this certificate, this recommendation to that effect, and that the Interstate Commerce Commission must give effect to his recommendation. In my judgment this provision of the statute either has this meaning or no meaning at all.

Mr. SMITH of Georgia. Does the Senator think that the certificate is to follow their decision or to be before them at the time they make their decision? Does it not plainly say that, in making the decision they are authorized to render, this certificate shall be before them and be considered in connection with other evidence in reaching their decision?

Mr. McKELLAR. I am inclined to think possibly that the Senator is correct in that conclusion.

Mr. SMITH of Georgia. Let me call the Senator's attention, furthermore, to this language, because I know the Senator means to be fair:

That when the President shall find and certify to the Interstate Commerce Commission that in order to defray the expenses of Federal control and operation fairly chargeable to railway operating expenses, * * * it is necessary to increase the railway operating revenues—

That is, his certificate that it is necessary to increase the revenues—

the Interstate Commerce Commission in determining the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice shall take into consideration said finding and certificate by the President.

Therefore, is it not clear that the extent of the function of this certificate is to give information to the commission as to the necessity for a certain amount of revenue, leaving for their determination the whole problem with this information given by the President, and does not touch the question of discriminatory rates at all?

Mr. McKELLAR. Mr. President, without this proviso, under the peculiar conditions that we have in this country about the railroads, the President could have sent in a statement, and it would have been evidence in any case without any statutory provision. He would have been a proper witness. There was no reason why he could not. The Congress, however, has done something more than making him a witness; it has said that, under the circumstances enumerated in the statute, while he is in possession of the railroads he must make a finding, first; then he must make a certificate, second; and, third, he must make a recommendation. Then they tell the body that is to give its final construction that they must consider it and take it into consideration. In my judgment, it means they must accept his view and decision. It virtually gives him the right of an appellate court.

Now, as to the refinements of logic or the refinements of legal interpretation, the Senator from Georgia may be correct and I may be wrong; but I say, so far as practical results are concerned, whenever the President of the United States—it does not make any difference who he is—makes that kind of a certificate to the Interstate Commerce Commission, the commission is going to leave that rate just exactly as the President says for them to leave it, or fix it as he recommends that it shall be fixed.

Mr. SMITH of Georgia. Will the Senator from Tennessee allow me to give him a concrete proposition?

Mr. McKELLAR. I will.

Mr. SMITH of Georgia. Suppose there was an increase of rates; and without any change of classification certain existing rates were placed upon coal in east Tennessee, and protest was made against the discriminatory character of those rates. The protestant could show that the practical effect of the discrimination stopped the moving of that commodity and discriminated against that locality in favor of Birmingham; that they could be given fair rates, and still the revenue raised by the Government from the railroads would be just the same as the amount which the President said was needed, would the certificate of the President in any way affect the right of the parties aggrieved in east Tennessee to demand from the Interstate Commerce Commission a revision of the rates upon the ground that the rates put on them were discriminatory?

Mr. McKELLAR. I think so; but looked at from a practical standpoint, I think the Senator will agree with me that whenever my constituents in Tennessee or his constituents in Georgia come to Washington to complain of the rates since the passage of this other bill, they are going to the executive department of the Government first and are not going to the Interstate Commerce Commission. They are not going to spend much time with the Interstate Commerce Commission, because it is perfectly apparent to everybody who knows how these things are managed practically, that the real power is already lodged by the railroad act with the Executive; that it is already taken away from the Interstate Commerce Commission and is in the hands of the Executive, and that we need not bother about it in this bill. That is my idea in reference to the matter.

Mr. President, I desire to say, in concluding these remarks, that I have been very greatly interested ever since this Congress began in having centralized, vigorous, energetic Executive action. We need it to win this war. All the experts testified before our committee that we needed it—Mr. Baruch, Mr. Catchings, Mr. Coffin, Mr. Gifford, Mr. Willard. Our country is now in the greatest crisis it ever was in; it is confronted by conditions that require our most serious attention and our best endeavors, and we are giving that serious attention, in my judgment. We need action, we need it more than we need anything else in the world to-day; and the action we need is efficient Executive action, unhampered by bureaucratic organizations and red tape.

Mr. SMITH of Georgia. Mr. President—

Mr. McKELLAR. I hope the Senator from Georgia will excuse me a moment.

Under the hampering acts not of this Congress, but of past Congresses, diffusing all the Executive functions among so many bodies, the Executive to-day finds himself in a position where, if he has a good man in the Department of Commerce, say, where he is not needed, and has a place in the War Department where he is needed above all things, he can not transfer that man from one department to the other, because Congress has by law said he can not do it. This bill will give him that right.

Now, I want to say, in all fairness, we are all striving for the same thing. We want to whip Germany; we can only do it by unhampered Executive action. Let us all get behind the Executive and give him the right kind of help; give him Executive power and hold him responsible for it, and we shall win. Let us help him with our every effort and with our every influence.

Mr. SMITH of Georgia. Mr. President—

Mr. McKELLAR. I want to say to the Senator from Georgia, before he interrupts me, that it is a pity that an executive department could not have the benefit of his great driving personal force, could have the backing of his vigorous personality, and of the personality of men like him in this great conflict. We need strong men like the Senator from Georgia in all departments. But we need also the talents and strength of the Senator from Georgia behind them.

Let us stop quibbling about terms; let us see whether these acts are constitutional; we ought to see that; but let us quit quibbling about whether or not we are giving the President an inch too much authority or taking away a little bit of authority from some one else. Let us get behind the Executive, win this war, and work out all these academic questions afterwards. That, in my judgment, is what we should do. Let us give the President this power and pass this bill.

Mr. SMITH of Georgia. Now, Mr. President—

Mr. McKELLAR. I was going to yield the floor.

Mr. SMITH of Georgia. I merely wish to ask the Senator a question; but first I wish to express my most intense agreement with the Senator's statement that strong men should be put in the War Department and force be given to the work everywhere.

I desire to ask the Senator this question: Has there been anything, except the failure to select him, which is preventing a strong man from having charge of the construction of our flying machines? Did it need any law like this 10 months ago to put a capable man in charge of that work to drive it forward?

Mr. McKELLAR. Mr. President—

Mr. SMITH of Georgia. If the Senator will allow me, I will add one other question and then sit down. Has there been anything to prevent the selection of a strong man as Chief of Staff and putting him in office and keeping him there, and also a Chief of the Quartermaster Department, and a Chief of Ordnance, and keeping them on the job and strengthening their organization?

Mr. McKELLAR. Mr. President, I had intended to close when I uttered the last sentence; but the two questions the Senator has put to me are entirely proper at this time, and I will take pleasure in answering them to the best of my ability. The Senator asks about aircraft production. I am not going into the aircraft question further than to say that everybody knows that is a new art; at best no one knows a great deal about it. There have been mistakes committed in carrying the work forward; we all know that; we know from our examination that a great many mistakes have been made; they have not done what we expected; they have fallen far short of what the country expected; they have not lived up to the promises made; all that is true; and we can not deny it; but we do not know, in the very new state of that particular aircraft art, whether others could have done better. Perhaps they could; perhaps they could not; perhaps there ought to have been changes, and I believe, if we give the President this power, he will make the necessary changes.

I suggested to the Senator from Georgia the other day when he was passing a great encomium, and I think a well-deserved encomium, on the recent appointment of Mr. Schwab as head of the Shipping Board, that I thought that that was all right; Mr. Schwab is my kind of a man at a time like this. I think we need a man to drive, to force, to do, to execute; and I think Mr. Schwab is one of that kind of men, but I will ask the Senator suppose after a short time—

Mr. SMITH of Georgia. It did not require this legislation to appoint Mr. Schwab, did it?

Mr. McKELLAR. I know it did not; but it will require this legislation to do with Mr. Schwab what perhaps it might be wise to do with him. Suppose after two or three months Mr. Schwab has thoroughly mastered the shipping business and they are turning out ships at the proper rate; that we are exceeding our expectations under the management and control of a man like that; but there is still lagging and delay in regard to aircraft production. I hope devoutly there will not be. Suppose others have in the meantime been appointed to head the Aircraft Production Board, but that no substantial progress has been made. We know there have been several changes in the Shipping Board, and there may be several changes before we can get action in the Aircraft Production Board. Suppose, however, Mr. Schwab makes a great success of the Shipping Board, and it is believed that he will make the same kind of a success in organizing the Aircraft Board, and after getting the work of the Shipping Board well under way, if Mr. Schwab is peculiarly the man to fill the aircraft bill and to give us airships, why should not the President have the right to appoint him?

Mr. SMITH of Georgia. I answer the Senator that the President certainly could do that without any bill at all.

Mr. McKELLAR. I have very grave doubt as to whether Mr. Schwab could hold both places.

Mr. SMITH of Georgia. Neither of them is an office, but each is a place of responsibility in connection with construction work.

Mr. McKELLAR. I think the President's action would be disputed at once; no doubt many Senators would say that the President was transcending his powers if he undertook to consolidate offices of that kind.

Will the Senator repeat the second question asked me?

Mr. SMITH of Georgia. How many matters has the Secretary of the Treasury charge of?

Mr. McKELLAR. He has charge of two, and the action of the President in those matters has been ratified by the Congress; the Executive had to come before Congress and get his action ratified; and Secretary McAdoo is filling both positions excellently well. I could not wish for our Government anything better than that all of its departments were filled in the same splendid way that Secretary McAdoo is filling both of his.

Mr. SMITH of Georgia. I want to say that he does the work splendidly.

Mr. McKELLAR. What was the second question?

Mr. FLETCHER. The Senator from Georgia asked in regard to the Chief of Staff.

Mr. McKELLAR. Mr. President, I do not know that I am capable of judging about the capabilities of the Chief of Staff. It has been a long time since I was a military man. I myself have felt that we made some mistakes along that line; I am frank to say that some of the appointments that have been made did not meet my approval, but that is one of the reasons for the passage of this bill. If the Senator will examine our military history and our military laws and regulations, he will find that the Executive is confronted by red tape in the appointment of all of our officers, and when the Executive goes against a rule laid down by the military authorities he puts himself at variance with them. He ought not to be left in that position. Give him the powers that are conferred by this bill, and we put it upon him to make the selections and make him responsible for them. I venture the prediction now that whenever we turn these powers over to him we shall see the greatest improvement in our strictly military program, just as we will see the greatest improvement in our executive program.

Mr. President, I believe that we ought not to haggle any further; I believe that we ought to pass this bill, give the President the powers, and hold him responsible for the execution of those powers. The Executive has shown no disposition to be a usurper or dictator thus far. Only yesterday, in his letter on martial law, he has given additional proof of his being an intense believer in constitutional government. He surely does not believe in the rule of the military; nor has he done anything that is silly. Suggestions that he is ambitious to overturn departments, strike down useful commissions, and do away with democratic institutions are wholly unwarranted by the history and the character of the present Executive. He will utilize the powers given him in this bill better to protect and defend this Government and not to injure or destroy it.

Mr. WOLCOTT obtained the floor.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. WOLCOTT. I yield to the Senator.

Mr. OVERMAN. I understand the Senator has taken the floor to make a speech.

Mr. WOLCOTT. I desire to address the Senate on the pending bill. I have no desire, however, to go on to-night if the Senator wishes to make a motion.

Mr. OVERMAN. If the Senator is willing to go on in the morning, I will move that the Senate adjourn.

Mr. WOLCOTT. My desire in getting the floor was to put myself in the position of being entitled to the floor when the bill comes before the Senate to-morrow.

Mr. OVERMAN. Then I move that the Senate—

Mr. STERLING. Will not the Senator from North Carolina withhold his motion for a moment?

Mr. OVERMAN. I withhold the motion.

Mr. STERLING. I offer an amendment to the pending bill in the nature of a substitute, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. That order will be made.

Mr. OVERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 24, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 23, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, humbly and reverently we bow in Thy presence and acknowledge with gratitude our indebtedness to Thee for all that we are and all we hope to be.

Pour down upon us Thy spiritual gifts and grant us every blessing which shall purify, ennoble, exalt; that with true devotion to Thee and our fellow men we may fulfill every duty devolving upon us, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PRICE, for one week, on account of important business.

To Mr. SHOUSE, for three days, on account of illness.

To Mr. MILLER of Washington, for April 23, on account of delivering an address in New York.

ESPIONAGE BILL.

Mr. WEBB. Mr. Speaker, I present herewith a conference report upon the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, for printing under the rule.

EXTENSION OF REMARKS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to print in the RECORD a reply by my colleague, Mr. LUFKIN, to letters urging Congress to hurry up.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

GARBAGE COLLECTION, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, in accordance with the agreement entered into last night, I ask unanimous consent for the present consideration of the bill (H. R. 10613) to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the bill H. R. 10613. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 55, noes 51.

Mr. CHANDLER of Oklahoma. Mr. Speaker, I demand the yeas and nays.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 227, nays 100, not voting 103, as follows:

YEAS—227.

Alexander	Davis	Hamilton, Mich.	McLemore
Almon	Decker	Hamlin	Mansfield
Anderson	Delaney	Hardy	Mapes
Ashbrook	Dent	Harrison, Miss.	Mason
Aswell	Denton	Harrison, Va.	Mays
Austin	Dewalt	Hastings	Miller, Minn.
Ayres	Dies	Haugen	Montague
Bankhead	Dill	Hawley	Moon
Barkley	Dillon	Hayden	Morgan
Barnhart	Dixon	Heflin	Neely
Beakes	Dominick	Helm	Nelson
Bell	Doohittle	Helvering	Nicholls, S. C.
Black	Doremus	Hensley	Nolan
Blackmon	Doughton	Hilliard	Oldfield
Bland	Dowell	Holland	Oliver, Ala.
Blanton	Drane	Houston	Olney
Boober	Eagle	Huddleston	O'Shaunessy
Borland	Elliott	Hull, Iowa	Overmyer
Brand	Ellsworth	Hull, Tenn.	Overstreet
Brodbeck	Elston	Hutchinson	Padgett
Browne	Esch	Igoe	Park
Brumbaugh	Farr	Jacoway	Phelan
Buchanan	Ferris	Johnson, Ky.	Poik
Burnett	Fields	Keating	Pou
Byrnes, S. C.	Fisher	Kehoe	Purnell
Byrns, Tenn.	Flood	Kelly, Pa.	Quin
Candler, Miss.	Focht	Key, Ohio	Ragsdale
Cannon	Fordney	Kless, Pa.	Rainey, H. T.
Cantrill	Foss	Kincheloe	Rainey, J. W.
Caraway	Foster	Kinkaid	Raker
Carlin	Frear	Kitchin	Ramseyer
Carter, Okla.	French	Knutson	Randall
Cary	Fuller, Mass.	La Follette	Rayburn
Church	Gandy	Langley	Reavis
Clark, Fla.	Gard	Lazaro	Reed
Cleary	Garner	Lea, Cal.	Roberts
Coady	Garrett, Tenn.	Lee, Ga.	Robinson
Collier	Garrett, Tex.	Lever	Romjue
Connally, Tex.	Glass	Little	Rouse
Connolly, Kans.	Godwin, N. C.	Littlepage	Rubey
Cooper, Wis.	Good	Lobeck	Sabath
Cox	Goodwin, Ark.	London	Saunders, Va.
Cramton	Gordon	Loneragan	Schall
Crisp	Graham, Ill.	Lundeen	Scott, Mich.
Crosser	Green, Iowa	McAndrews	Sears
Currie, Mich.	Greene, Vt.	McKeown	Sells
Davidson	Hamill	McLaughlin, Mich.	Shallenberger

Sherwood	Stevenson	Walter	Wilson, La.
Sims	Sweet	Walton	Wilson, Tex.
Sinnot	Talbot	Watkins	Wingo
Sisson	Taylor, Ark.	Watson, Va.	Wise
Slayden	Taylor, Colo.	Webb	Wood, Ind.
Smith, Mich.	Tilman	Welling	Woods, Iowa
Snook	Van Dyke	Whaley	Young, N. Dak.
Stedman	Venable	Wheeler	Young, Tex.
Steele	Vinson	White, Ohio	Zihlman
Stephens, Miss.	Voigt	Williams	

NAYS—100.

Anthony	Garland	McFadden	Smith, Idaho
Bacharach	Gillett	McKenzie	Snyder
Racer	Glynn	McKinney	Stafford
Bowers	Goodall	Madden	Sterling, Ill.
Browning	Gould	Meeker	Sterling, Pa.
Burroughs	Graham, Pa.	Merritt	Stiness
Campbell, Kans.	Gray, N. J.	Moore, Pa.	Swift
Carter, Mass.	Greene, Mass.	Mooros, Ind.	Temple
Chandler, Okla.	Hadley	Morin	Thomas
Classon	Hayes	Mott	Tilson
Cooper, Ohio	Heaton	Osborne	Timberlake
Cooper, W. Va.	Hersey	Paige	Townner
Copley	Hollingsworth	Parker, N. J.	Treadway
Crago	Husted	Peters	Vare
Dale, Vt.	Ireland	Platt	Vestal
Dallinger	Johnson, Wash.	Porter	Volstead
Darrow	Juul	Pratt	Waldow
Dunn	Kennedy, Iowa	Robbins	Walsh
Edmonds	Kraus	Rogers	Ward
Emerson	Larsen	Rose	Wason
Fairfield	Leibach	Rowe	Welty
Fess	Leshner	Sanders, Ind.	White, Me.
Francis	Longworth	Sanford	Wilson, Ill.
Freeman	Luiklin	Siegel	Winslow
Fulmer, Ill.	McArthur	Sloan	Woodyard

NOT VOTING—103.

Beshlin	Gallagher	McClintic	Scott, Iowa
Britten	Gallivan	McCormick	Scott, Pa.
Butler	Gray, Ala.	McCulloch	Scully
Caldwell	Gregg	McLaughlin, Pa.	Shackleford
Campbell, Pa.	Griest	Magee	Sherley
Carew	Gridin	Maher	Shouse
Chandler, N. Y.	Hamilton, N. Y.	Mann	Slemp
Clark, Pa.	Haskell	Martin	Small
Claypool	Heintz	Miller, Wash.	Smith, C. R.
Costello	Hicks	Mondell	Smith, T. F.
Curry, Cal.	Hood	Mudd	Snell
Dale, N. Y.	Howard	Nichols, Mich.	Steagall
Dempsey	Humphreys	Norton	Steenerson
Denison	James	Oliver, N. Y.	Stephens, Nebr.
Dickinson	Johnson, S. Dak.	Parker, N. Y.	Strong
Donovan	Jones	Powers	Sullivan
Dooling	Kahn	Price	Summers
Drukker	Kearns	Ramsey	Switzer
Dupré	Kelley, Mich.	Rankin	Tague
Dyer	Kennedy, R. I.	Riordan	Templeton
Eagan	Kettner	Rodenberg	Thompson
Estopinal	King	Rowland	Tinkham
Evans	Kreider	Rucker	Watson, Pa.
Fairchild, B. L.	LaGuardia	Russell	Weaver
Fairchild, G. W.	Linthicum	Sanders, La.	Wright
Flynn	Lunn	Sanders, N. Y.	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. GALLAGHER with Mr. NORTON.

Mr. ESTOPINAL with Mr. HAMILTON of New York.

Mr. LUNN with Mr. NICHOLS of Michigan.

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. MARTIN with Mr. SLEMP.

Mr. THOMAS F. SMITH with Mr. SCOTT of Iowa.

Mr. DICKINSON with Mr. CURRY of California.

Mr. DALE of New York with Mr. MAGEE.

Mr. BESHLIN with Mr. McLAUGHLIN of Pennsylvania.

Mr. CAREW with Mr. DEMPSEY.

Mr. DUPRÉ with Mr. BENJAMIN L. FAIRCHILD.

Mr. LINTHICUM with Mr. GEORGE W. FAIRCHILD.

Mr. McCLINTIC with Mr. HASKELL.

Mr. DONOVAN with Mr. HICKS.

Mr. SCULLY with Mr. JAMES.

Mr. STEPHENS of Nebraska with Mr. DYER.

Mr. CALDWELL with Mr. BRITTEN.

Mr. EAGAN with Mr. BUTLER.

Mr. GALLIVAN with Mr. COSTELLO.

Mr. EVANS with Mr. GRIEST.

Mr. CLAYPOOL with Mr. CHANDLER of New York.

Mr. FLYNN with Mr. DENISON.

Mr. DOOLING with Mr. KREIDER.

Mr. GRAY of Alabama with Mr. CLARK of Pennsylvania.

Mr. GREGG with Mr. KEARNS.

Mr. GRIFFIN with Mr. KELLEY of Michigan.

Mr. HOOD with Mr. KENNEDY of Rhode Island.

Mr. HOWARD with Mr. McCORMICK.

Mr. KETTNER with Mr. MILLER of Washington.

Mr. HUMPHREYS with Mr. KING.

Mr. JONES with Mr. McCULLOCH.

Mr. MAHER with Mr. MUDD.

Mr. OLIVER of New York with Mr. PARKER of New York.

Mr. PRICE with Mr. RAMSEY.

Mr. RIORDAN with Mr. MONDELL.

Mr. RUCKER with Miss RANKIN.

Mr. RUSSELL with Mr. ROWLAND.

Mr. SHACKLEFORD with Mr. SANDERS of New York.

Mr. SHOUSE with Mr. SCOTT of Pennsylvania.

Mr. SMALL with Mr. SNELL.

Mr. CHARLES B. SMITH with Mr. STEENERSON.

Mr. STEAGALL with Mr. STRONG.

Mr. SULLIVAN with Mr. SWITZER.

Mr. SUMNERS with Mr. KREIDER.

Mr. TAGUE with Mr. TEMPLETON.

Mr. THOMPSON with Mr. WATSON of Pennsylvania.

Mr. WEAVER with Mr. TINKHAM.

Mr. WRIGHT with Mr. DRUKKER.

Mr. SHERLEY with Mr. KAHN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

QUESTION OF PERSONAL PRIVILEGE.

Mr. HEFLIN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HEFLIN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state the basis of his privilege.

Mr. HEFLIN. On April 5, Mr. Speaker, I made a speech in this House replying to a speech made by Representative MASON, of Illinois, in February. On Saturday, during my absence, when I was down in Greensboro, N. C., making a speech in the interest of the liberty loan, the gentleman from Illinois made a speech attacking me personally, and that speech was published in the Birmingham Age-Herald, wired by somebody from here, and that newspaper stated that the Republican membership of the House, supplemented by a few Democrats, ordered it sent down; and in that speech, which was published in full in the Birmingham Age-Herald, the gentleman from Illinois reflected upon me personally, upon my patriotism, courage, and integrity, and he stated, among other things, that I had the most patriotic mouth and the most cowardly legs [laughter and applause on the Republican side] of anybody, and so forth.

The SPEAKER. Is that all the basis?

Mr. HEFLIN. No, sir. In another place in that speech he misrepresented me by saying that I stated in response to a question of Representative BURNETT, of Alabama, prior to that time, that I was willing to sacrifice my sister's son but was not willing to go to war myself. In another place he insinuated that I was fond of getting up here and insulting every man in the House who had feelings. Mr. Speaker, I have quite a number of these privileged matters marked, but these, I think, are sufficient.

The SPEAKER. The Chair is inclined to think there is some basis for the personal privilege in the speech, but very narrow, though.

Mr. HEFLIN. Mr. Speaker and gentlemen of the American Congress, as a Member of this House I took an oath to support the Constitution and to bear true allegiance to the United States Government, to protect it against all enemies, both foreign and domestic. All that I have done and said since we entered the war has been in response to my duty under the oath that I took. It has long been the boast of the German Government that in every war she has waged she has had men in positions of trust in the enemy's country where they could serve her most effectively. In this country she has sought to place them in the War and Navy Departments and in Congress, so as to keep in touch with the war program and to have bills introduced and speeches made that will embarrass this Government and furnish German propaganda to the spy system, to be published and franked over the country at the expense of the United States Government. Since Germany made war upon the United States things have been done and said in both branches of the American Congress that have given aid and comfort to the enemy. Things have been done and said by Members of Congress that have greatly embarrassed the President and seriously hindered the Government in the mighty work of war preparations, and these things have injured our country and helped the enemy.

Mr. GILLET. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. GILLET. I do not think it is the province of this side to protect the time of the House, but for future precedents I wish merely to make the suggestion, and then I shall leave it to those who have the responsible charge of the House

to protect the time; but thus far what the gentleman has said, it seems to me, is not at all in order under the claim he has made of personal privilege.

Mr. HEFLIN. Mr. Speaker, I want to be heard on that for a moment. The gentleman from Illinois impugned the motive that prompted me to speak against him here on April the 5th. So far as I am concerned, there is nothing personal in my feelings in this matter. If I know my own heart, I am trying to perform my patriotic duty while our boys are fighting and dying over yonder. [Applause.]

The SPEAKER. The gentleman will suspend for a minute. Does the gentleman from Massachusetts make the point of order?

Mr. GILLET. Yes, sir; I make the point of order.

The SPEAKER. Now I will hear the gentleman from Alabama.

Mr. HEFLIN. I want to say, Mr. Speaker, that the point of order is not well taken. I am laying a predicate for the speech I am going to make, showing that things have been done and said on this floor that have not been helpful but hurtful to the country, and I am leading up now to what I propose to say upon that subject, and I trust that no gentleman on that side will undertake to disturb me. I want to make this speech in my own way. And I stand ready to take the responsibility for it in any form that gentlemen may desire.

Mr. GILLET. Mr. Speaker, if the gentleman wishes to ask unanimous consent to address the House, and that side of the Chamber thinks it important enough to give the time of the House to it, I for one shall not object. I simply thought I would call attention to the point of order for the sake of precedent.

The SPEAKER. The Chair will state that these questions of personal privilege ought to be confined to privileged matters. If we did not do that, we would have a row here nearly every day. The remarks the gentleman has been making are not pertinent to the question of privilege. It is a very good speech and perhaps somebody ought to make it. Maybe he ought. But you can not discuss this whole war and outside things to a question of privilege. Now, if the gentleman desires to ask unanimous consent to proceed with his speech—

Mr. HEFLIN. I do not want to take up unnecessarily the time in the House, Mr. Speaker, but I have been assaulted by the speech of the gentleman from Illinois [Mr. MASON] for doing what I thought was my patriotic duty.

The SPEAKER. I know; but here is the trouble about that: This matter the gentleman has been stating is not pertinent to this, to what he claims is an unfair commentary of the gentleman from Illinois, made in his former speech. And the suggestion of the gentleman from Massachusetts [Mr. GILLET] is that if the gentleman from Alabama wants to ask unanimous consent he will not object.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 40 minutes.

Mr. MILLER of Minnesota. Mr. Speaker, I have no objections to that. Perhaps it is not necessary even to make the inquiry, but it seems to me that by this a very dangerous precedent is likely to be established if this continues as a matter of personal privilege. My inquiry is this: Has a Member on the question of personal privilege entitling him to the floor the right to answer remarks submitted by a Member in the course of debate on the floor?

Mr. HEFLIN. Published in a newspaper outside.

Mr. MILLER of Minnesota. It does not matter where it was published.

The SPEAKER. Of course—

Mr. MILLER of Minnesota. Let me suggest, if I may, to the Chair that my understanding of the situation is this: The gentleman from Illinois [Mr. MASON] made the speech alluded to. There is not the slightest doubt in the world but that he said things in that speech which, if they had been called to the attention of the Chair at the time, the Chair would have said were out of order. The gentleman from Illinois [Mr. MASON] must recognize that.

Now, admitting that they were improper remarks, as they were under the rules of the House, and to which the gentleman could have called attention and offered objection had he been here, or some one for him if he was not here—now, can he, under the guise of personal privilege, claim the floor for an hour to make another speech?

The SPEAKER. The Chair will state this, that the way to get at improper remarks is to have them taken down, and then proceed to whatever the House wants to do with them. The House was in the Committee of the Whole at the time, and the gentleman from Alabama [Mr. HEFLIN] was not here, and nobody did that. Now, that does not prevent him from rising to a question of personal privilege on remarks that were made that

reflect on his character or his reputation or his career in any shape, form, or fashion. It would be sufficient if it were printed in the CONGRESSIONAL RECORD, but particularly so when it has been printed in a part of the public press. But the gentleman must adhere to the orderly procedure. Now he asks unanimous consent to proceed for 40 minutes. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, and I have no desire to increase the personalities that may grow out of this controversy, I wish to say that the gentleman from Alabama [Mr. HEFLIN] has no special grievance in this particular case, since he was the aggressor. I say that with all respect to him. He made a speech reflecting upon Members of the House.

The SPEAKER. Now, the Chair does not want to waste time here to-day by going into the history of this transaction which is very unpleasant from beginning to end, on both sides.

Mr. MOORE of Pennsylvania. The gentleman has asked for unanimous consent, and I am trying to reach the point where he may have unanimous consent, so far as I am concerned. The gentleman has been persistent in making speeches reflecting upon his colleagues in the House.

The SPEAKER. That raises an entirely different question.

Mr. MOORE of Pennsylvania. Will the Chair permit me to make a parliamentary inquiry?

The SPEAKER. Yes.

Mr. MOORE of Pennsylvania. I desire to know whether, if we permit the gentleman from Alabama [Mr. HEFLIN] to proceed to a renewal of his attack, which, of course, may provoke an answer from some one, and he transgresses the rule as to personal reference to Members of the House, may he be called down?

The SPEAKER. He may; yes.

Mr. MOORE of Pennsylvania. Then, I want to give notice to the gentleman, for whom I entertain a warm regard personally, that I will watch his speech carefully.

Mr. HEFLIN. Then, I wish the gentleman would allow me to proceed.

The SPEAKER. Is there objection?

Mr. SNYDER. Mr. Speaker, I object. I do not believe—

The SPEAKER. The gentleman from New York objects, and that is the end of that.

Mr. HEFLIN. Now, Mr. Speaker, I hope the gentleman will withdraw his objection.

Mr. WALSH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I rise to ask unanimous consent that the gentleman from Alabama may proceed for 39 minutes.

Mr. SNYDER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the gentleman from Alabama may proceed for 39 minutes. Is there objection?

Mr. SNYDER. I object.

The SPEAKER. The gentleman from New York objects, and that is the end of it. The Chair never did say anything about the point of order raised by the gentleman from Massachusetts, but he sustains it and rules that the speech so far as it has gone has nothing to do with the question of personal privilege.

Mr. HEFLIN. Now, Mr. Speaker, in the speech made by the gentleman from Illinois during my absence he says:

Cheap peanut politics. He assaults me because I am a Republican, and he hopes to make in his district some little cheap capital from the fact that he has been able to assault and insult me.

That is the substance of his statement.

Now, Mr. Speaker, there was no occasion for me to undertake to play politics in that speech. I was not playing politics at all. I do not have to play politics. I have no opposition in my district, and have not had any opposition but once in 14 years. I was not undertaking to make political capital by doing things that were unpleasant to me, and they are unpleasant, gentlemen of the House. I would rather make people laugh than to offend them. But I have registered a vow, and I here renew it, that so long as this war continues and our boys are fighting and dying on the battle front in France, I propose, if I can, to close up the ranks in this House. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of order that the gentleman is not proceeding with the discussion of his question of personal privilege. There are other Members of this House who are as patriotic and as anxious to defend the boys at the front as he, and some at a greater sacrifice. I make the point of order that the gentleman is not proceeding in order.

The SPEAKER pro tempore (Mr. ALEXANDER). The Chair is of opinion that the gentleman's point is well taken, so far as

the gentleman from Alabama has proceeded. The Chair has been called to the chair just recently, and has not given attention to the entire speech. The gentleman should address himself to those questions which he claims are the basis of his question.

Mr. HEFLIN. The Chair did not hear this proposition, then, where he accused me of playing cheap politics by assaulting and attacking him, and I am telling the House why I made my speech. Otherwise, if I can not do that, we have no rule by which a Member can protect himself from such assaults in this House. I submit to the Chair that under that statement, "cheap peanut politics" and that I assailed him because he is a Republican, that I should be allowed to state why I did reply to his speech. I am not assailing him because he is a Republican. There are some as brave and patriotic Republicans on that side as there are brave and patriotic Democrats on this side. I have commended the course of men on both sides, but because I see fit to reply to a Member's speech that he makes upon the floor of this House, I hold, Mr. Speaker, and I believe the Speaker will hold, since the matter is laid before him, that I am proceeding in the line of privilege provided for in the rules. I am not attacking the gentleman from Illinois for political purposes. No; gentlemen. Nothing is further than that from my mind, although one paper in my State has played up his speech, published it in full, and attacking me—a strange thing.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. HEFLIN. I will.

Mr. MOORE of Pennsylvania. Did not the same paper play up the gentleman's speech and play it up most eloquently?

Mr. HEFLIN. It did not.

Mr. MOORE of Pennsylvania. If the gentleman will permit me, I will produce from my office in five minutes a report of the gentleman's speech attacking the gentleman from Illinois [Mr. MASON] published in the same paper as the speech of Mr. MASON.

Mr. HEFLIN. The notice about my speech was very short—about as long as your finger.

Mr. MOORE of Pennsylvania. Yes; in which some adulatory terms were used. And it referred to the fact that the gentleman from Tennessee came down from the chair to the gentleman from Alabama and personally congratulated him upon his eloquence. [Laughter.]

Mr. HEFLIN. That is true. [Applause.]

Mr. MOORE of Pennsylvania. So that it is a game that the gentleman has played equally with the other gentleman whom he attacks?

Mr. HEFLIN. No. That was just a little notice away back in the paper, while this other story commenced on the front page. [Laughter.] Yes; this other story commenced on the front page, and the headlines read this way:

When the cats are away the mice will play with Mr. HEFLIN.

[Laughter.]

Mr. MOORE of Pennsylvania. That is true. If the gentleman had obtained those headlines, would he be here this morning asking for leave to speak on a question of personal privilege?

Mr. HEFLIN. That is not the question. They were not there. [Laughter.]

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. No; I can not yield.

Mr. MEEKER. I want to know if that refers to the two-minute speech.

Mr. VENABLE. Mr. Speaker, I would like to ask unanimous consent to proceed for three minutes.

The SPEAKER pro tempore. The gentleman from Alabama has the floor.

Mr. VENABLE. Does the gentleman object?

The SPEAKER pro tempore. Does the gentleman from Alabama object? The gentleman from Mississippi asks unanimous consent to proceed for three minutes.

Mr. HEFLIN. I will, if it does not take me off the floor.

The SPEAKER pro tempore. The gentleman from Alabama must decide for himself whether he yields.

Mr. HEFLIN. If it does not take me off the floor I will yield to the gentleman.

Mr. VENABLE. Will the gentleman yield?

Mr. HEFLIN. I can not do it unless the Chair will say that it does not take me off my feet.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to proceed for three minutes with the understanding that the gentleman from Alabama shall not lose his right to the floor. Is there objection?

Mr. MADDEN. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. HEFLIN. Mr. Speaker, I hope the gentleman will let me proceed in my own way. His last speech, which is now the basis for this personal privilege matter, and which attacks me for replying to his other speech, was made during my absence. I was not here to answer the gentleman or to interrupt him. He was told by my good friend from Alabama [Mr. OLIVER] that I was down in North Carolina making a patriotic speech, and then it was that he said that I had a brave mouth, but cowardly legs, and I submit that I am here now, and my legs are standing by me pretty well. Now, I would like to proceed in my own way.

I was about to speak of the Age-Herald when my friend from Pennsylvania [Mr. MOORE] interrupted me. It published the speech of Mr. MASON, of Illinois, in full; a strange procedure, gentlemen. [Laughter.] I have not yet been able to quite understand just what part the Age-Herald has in this matter, and just who inspired the Age-Herald to do it, and I am still wondering just who in Alabama furnished the gentleman from Illinois [Mr. MASON] with the Age-Herald editorial that he read from in his attack upon me. A strange situation, gentlemen, a long-distance secretive connection between some sort of Democratic politics in Alabama and an Illinois Republican. [Laughter.] Is not that a strange combination, a curious thing? And I am not deceived about the matter. I shall probably have more to say about it at another time and place. I know what is back of it. But this speech that was sent down there said that the Republican membership ordered the clerk to send it prepaid. Why, I thought of a great many patriots on that side, like the gentleman from Illinois sitting in front here, Mr. McKENZIE; Mr. FOSS, Mr. HAMILTON, and a great many others of you over there, and I said, "I do not see how gentlemen could—"

Mr. MEEKER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will suspend a moment. The gentleman can not wander out of the limits and talk about anybody else, except what Mr. MASON says.

Mr. HEFLIN. I was just discussing the Age-Herald and—

The SPEAKER. The Chair understands; but the gentleman named certain Members of the House who are sitting in their seats quietly and not bothering him.

Mr. HEFLIN. That was complimentary, and if the gentleman from St. Louis wants me to stop that, then I will quit complimenting my good Republican friends. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To make the point of order, in all kindness and charity, that the gentleman from Alabama is not proceeding in order.

The SPEAKER. The Chair has just sustained the point of order made by the gentleman from Missouri.

Mr. MOORE of Pennsylvania. The point is broader than that. The gentleman is talking now, if he has any right to do so at all, on a matter of personal privilege, and he has made no reference to a personal privilege.

The SPEAKER. The gentleman will proceed in order.

Mr. HEFLIN. Mr. Speaker—

Mr. MOORE of Pennsylvania. I make the point of order that he is not addressing himself to the question of personal privilege.

The SPEAKER. That point has just been settled.

Mr. MOORE of Pennsylvania. Affirmatively?

The SPEAKER. Affirmatively. The gentleman will proceed in order.

Mr. HEFLIN. The gentleman from Illinois [Mr. MASON] said in that speech, which was published in the Birmingham Age-Herald—I am still working on that—that I assailed and insulted him for the purpose of benefiting me politically. I disclaim any such intention as that. That was not my purpose, and in this connection I was just simply undertaking to state what the Age-Herald said about how it got the Mason speech. I am trying to show what motive was back of that part of it, aside from the part that the gentleman from Illinois has played.

The next statement was to the effect that the gentleman himself sent it, and said, "I made the following speech to-day," and his name was signed. Then comes the New York Evening Sun and says that Mr. BRITTON, of Illinois, wired it and paid for it and that the Age-Herald used it, and wanted to pay him back the telegraph toll that he had paid. I am trying to make plain the connecting link in this transaction. It is this long-distance arrangement, extending from way down there somewhere in Alabama to way up in Illinois. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield? Is it not true that the gentleman from Alabama forwarded his speech, marked it "Collect," and that it was re-

turned, and that the gentleman paid for it? That is true, is it not?

The SPEAKER. Does the gentleman from Alabama yield?

Mr. HEFLIN. I do. What was the gentleman's question?

Mr. MOORE of Pennsylvania. Is it not a fact that in some instance the gentleman from Alabama forwarded a speech to the same paper?

Mr. WALSH. Mr. Speaker, a point of order. The gentleman from Alabama has no right to yield the floor for an inquiry which is outside of the question of privilege that he is attempting to discuss.

The SPEAKER. That point of order is sustained.

Mr. HEFLIN. Now, Mr. Speaker, I hope the Chair will permit me to answer that.

The SPEAKER. The gentleman will suspend and give the Speaker a chance. The question that the gentleman from Pennsylvania asked would lead to another excursion into the realms of recent history. It is out of order.

Mr. HEFLIN. Now, Mr. Speaker, the gentleman asked me if I did not send a speech, myself, collect to the Age-Herald.

Mr. WALSH. Mr. Speaker—

The SPEAKER. The Chair has just ruled that the gentleman's answer and the question are both out of order.

Mr. HEFLIN. But the Age-Herald editorial, charging that I did, is in the Record, and I want to answer it. I did not send collect that speech, as the Age-Herald said that I did.

The SPEAKER. That is a sufficient answer to it.

Mr. MOORE of Pennsylvania. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is it not fair that the gentleman should have an opportunity to answer that question?

The SPEAKER. Why, no; it has nothing on earth to do with this.

Mr. POU. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. POU. One of the charges that the gentleman from Illinois made against the gentleman from Alabama was that he sent a speech which the Age-Herald refused to accept.

The SPEAKER. The Chair understands that.

Mr. POU. Now, surely the gentleman has a right to reply to that.

The SPEAKER. Surely he has, and that is exactly what the Chair ruled.

Mr. HEFLIN. Now, Mr. Speaker, in that connection the gentleman from Illinois [Mr. MASON] read an editorial from the Age-Herald, saying that I had sent "collect" a speech in question. I did not do any such thing. I have paid for press dispatches from time to time, and my reason for it has been that I have not been able to get in touch with the representative of the Age-Herald on those occasions, and when I had something that I thought was of value to the people of Alabama, statements about the cotton situation and other things, I paid for them out of my own pocket, because I could not get in touch with the brilliant representative of the Age-Herald in this city. I have done that repeatedly. The Western Union Telegraph Co. made a statement, which the Age-Herald published, saying that Mr. HEFLIN has from time to time paid for these press dispatches regarding cotton and other things, and that Mr. HEFLIN paid for that other message carrying his speech, and did not send it collect. Now, whoever furnished the gentleman from Illinois [Mr. MASON] with the editorial attacking me, misrepresenting me, charging me falsely with having sent a speech collect, has also imposed upon him. The Age-Herald afterwards had another editorial acknowledging its fault, and apologizing for what it had done, for the wrong it had done me in its first editorial. Whoever furnished the gentleman from Illinois with that editorial ought to have been fair and honest enough to have given to him the other editorial and put me in right, instead of trying to put me in wrong before the country. [Applause.] Now, I am glad my friend from Pennsylvania [Mr. MOORE] asked that question. I can not understand the Age-Herald's position here in that first editorial attacking me. We have been on the friendliest of terms. They do say in my State that the paper is afraid I am going to oppose its friend for a high office in Alabama, and that it is seeking to discredit and belittle me in the efforts that I am making here to faithfully serve my country. I do not fear them on that score. I have no newspaper in Alabama, but I have got the ear of the people of Alabama, which is better than any newspaper. Now, gentlemen, just think about this thing of sending a whole speech into a State attacking a Member in this fashion. I never sent a speech to anybody's State to try to interfere with you in your districts or your States. I have never published any of my speeches criticizing these gentlemen

in their districts or States. Why was I singled out in this particular instance, and how did the gentleman—

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. HEFLIN. Yes; I yield.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. MOORE of Pennsylvania. Is it not true that the gentleman has said on this floor that he would carry the propaganda into the districts of Members of the House, and is it not a fact that he has gone into the districts of other Members and made speeches criticizing other Members?

Mr. HEFLIN. No; I have not.

Mr. MOORE of Pennsylvania. Has not the gentleman made speeches in Illinois?

Mr. HEFLIN. I do not believe that I ever made a speech in Illinois.

Mr. MOORE of Pennsylvania. The gentleman has never spoken in Chicago?

Mr. HEFLIN. No; I have been invited to a number of times, and I shall go there this fall. [Laughter and applause.]

The SPEAKER. This thing must not degenerate into a debate.

Mr. MOORE of Pennsylvania. I was simply making an inquiry.

The SPEAKER. The Chair knows, and under other conditions it would be all right.

Mr. MOORE of Pennsylvania. The gentleman has been into many States—

The SPEAKER. There is no occasion for the gentleman from Alabama giving his biography here to-day. [Laughter.]

Mr. HEFLIN. Now, Mr. Speaker, the gentleman from Illinois [Mr. MASON] attacks me and impugns my motives and said I was playing politics. I repeat that is not my motive. Here is what I replied to; here is what I was talking about. The gentleman in this solemn place made a speech, and in it he made the suggestion that no woman who had ever gone through a high school ever remembered before when boys were conscripted to go and fight to settle the title to real estate in Europe.

What is that statement? It is an indictment of my country's position. It misrepresents our position, if I understand our position. We are not fighting to settle the title to real estate in Europe. When this bloody-handed monster of the Old World reached out into the seas and tore down our flag, destroyed our commerce, and murdered our citizens we never thought of Alsace-Lorraine. When France marshaled her heroic army and made that brave stand at the battle of the Marne she never thought of Alsace-Lorraine, she thought of saving the life of the French Republic. [Applause.]

Mr. MILLER of Minnesota. Mr. Speaker, I make the point of order that the gentleman is not speaking in order.

The SPEAKER. Will the gentleman from Alabama suspend? The Chair will take care of him.

Mr. FERRIS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. FERRIS. The gentleman from Illinois a few days ago, in the absence of the gentleman from Alabama, made a caustic attack on the gentleman from Alabama, and the gentleman from Alabama ought to have a few moments to make answer in his own way, and I ask unanimous consent that he have 20 minutes to do so.

Mr. SNYDER. I object.

Mr. MASON. I hope no objection will be made.

Mr. SAUNDERS of Virginia. Mr. Speaker, may I say a word on the question of personal privilege? I understand the limitations which surround a Member when he undertakes to speak to a question of personal privilege, but conceding those limitations, I maintain that a Member is not confined to a denial of the matter which has been alleged against him, and to which he objects. The rule is very much like the rule which prevails in a case of slander in the civil courts. When a man slanderously assails another, the latter is permitted to retort somewhat in kind, in defending himself against the attacks of his slanderer. The rule in such a case is as follows in my State: Every man has a right to defend his character against false aspersion, and it is a duty which he owes his family to do this. If I am attacked in a newspaper, I may write to that paper to rebut the charges and at the same time may retort upon my assailant, when such a retort is a necessary part of my defense, and fairly arises out of the charges which he has made against me. When a Member of this body is charged with having done certain things with an improper and unworthy intent, parliamentary law does not restrain him in his response

to this imputation, to a mere denial of the charge. He is permitted to give his version of his impelling motive, and to develop the facts which support his vindication, with appropriate illustrations, and within reasonable and parliamentary limits to counter upon his adversary.

The SPEAKER. The Chair agrees with the gentleman from Virginia in that respect, but we can not under a question of privilege go into a history of our differences with the German nation in this war. The remarks that the gentleman from Alabama was making were outside of the question of personal privilege.

Mr. HEFLIN. Now, Mr. Speaker, instead of proceeding on the idea that I spoke because inspired by a desire to play politics, I was taking to task statements made on this floor by the gentleman from Illinois, which statements to my mind constitute an indictment of my country's position in this war.

Another one of the statements that I was replying to and from purely a patriotic motive was that the gentleman from Illinois said, "Looking it square in the face and no dodging, the only thing that stands between us and honorable peace is the disposition of Alsace-Lorraine."

Am I to be accused of playing politics when I challenge that statement? Why should gentlemen wish to deny me the right to be heard when I brand that statement as one that does not represent the facts of our position? Patriotic duty inspired me to challenge that statement. I have a duty to perform here as well as the boys over yonder, and so help me God this House shall not become the forum and the CONGRESSIONAL RECORD the vehicle to carry German propaganda over our country. [Applause.]

Fighting about the disposition of Alsace and Lorraine? No. Then I am not trying to play politics, and I am in order in discussing this grave and serious accusation. Alsace-Lorraine! Fighting to see who shall control that little strip of territory in the old world.

Mr. SNYDER. Mr. Speaker, I object to this on the ground that we are not here to discuss the questions of the war. I have no objection, if it is correct under the rule, to the gentleman's saying anything he pleases about the gentleman from Illinois or about himself, but I do not think we are here to discuss the questions of the war, and I object on that ground.

The SPEAKER. The Chair is under the impression that the gentleman from Alabama took the remark of the gentleman from Illinois that we were fighting to settle real estate matters in Europe as in some way applying to himself. If so, he has a perfect right to answer.

Mr. HEFLIN. Certainly.

Mr. MOORE of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. I do not want to dispute the rulings of the Chair, and will not, but the gentleman having made this particular reference to Alsace-Lorraine twice in exactly the same language, and the gentleman from Illinois having referred to it only once, I want to ask whether it shall be repeated now for the third time?

The SPEAKER. The Chair is not going to enter into any mathematical calculations.

Mr. HEFLIN. To show that my friend from Pennsylvania [Mr. MOORE] has not even read the speech of the gentleman from Illinois [Mr. MASON], I wish to remind him that he does refer to it twice. He states in one place that no woman who ever went through high school ever knew boys conscripted before to fight to settle title to real estate in Europe, and in another place he states that the only thing that stands between us and an honorable peace is the disposition of Alsace-Lorraine. My God! Such an indictment of my country! American boys fighting at the front while we are mobilizing our forces here to move against the bloody-handed monster of the world who seeks to destroy our liberty! I am surprised and utterly astounded that any man can be found in this House who will want to hamper me in denying for my country the truth of that suggestion. I can not understand it, gentlemen. Now, I hold this view, that if the gentleman does put this Government in a wrong attitude, and if I sit here in silence and permit it, I am a party to the offense of traducing my country and helping to spread a propaganda which is hurtful to my country. That is my position. Why should I not be permitted to reply to those things. I have not said anything about the gentleman from Illinois personally. I do not discuss things of a personal nature upon the floor of this House, and this is not the place to discuss them. I am discussing his public acts and utterances, and I can not understand why he permitted himself to be the vehicle

to bring into this House an untruthful Age-Herald editorial which put me in a false light. They did me an injustice by not furnishing the other editorial, or he did me an injustice by not reading it.

I have got nearly 300 letters about the gentleman from Illinois, but I am not going to read them here. His difficulties at home can be settled by him and the people there, and things they say about him, let them say them and publish them there. I have a stack of newspaper clippings here, all this, about the gentleman from Illinois—papers from all over the country; but I am not going to read them to this House unless I have to. That is my position upon that phase of the question. I am taking him to task for what he said here, for what is in the RECORD. What else did he say in that speech? I am not after him trying to play politics. I am answering his speech. What did he say? Why, he has an insinuation in it that Japan has got an agreement with some foreign power to fight us at some future time.

Mr. SNYDER. Mr. Speaker, I rise to a point of order. I do not think the gentleman has any right to bring Japan into this controversy. He is covering the whole country, the whole war with his argument.

The SPEAKER. The Chair sustains that point, and the gentleman will proceed in order.

Mr. HEFLIN. Mr. Speaker, the Chair does not understand my statement, probably. I am replying to what Mr. MASON said, that Japan had an alliance with some foreign power to fight us at some future time.

The SPEAKER. Let the Chair ask the gentleman a question. When was it that the gentleman from Illinois said such things as that—in the speech that was delivered here a few days ago?

Mr. HEFLIN. No; in the speech that I replied to; and he said in reply to that speech of mine that I was playing politics.

The SPEAKER. When did he say the gentleman from Alabama was playing politics?

Mr. HEFLIN. In the speech that I am talking about now; the one made here April the 6th.

The SPEAKER. Did the gentleman from Illinois link the gentleman from Alabama up with the Japanese in any way?

Mr. HEFLIN. He charged that I was playing politics and trying to insult him. I was replying to his speech, and I am now saying what it was that I did reply to.

The SPEAKER. The gentleman will confine himself as closely as possible to the question of privilege.

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. No; I can not yield any more. I am sorry, but I have been interrupted so much that I want to finish in the next couple of hours, if I can. What I was going to say was that Japan is an ally of Great Britain, one of our allies, and she was here expressing a desire to aid us in any way that she could in this war, and I was objecting to any Member of the American Congress throwing cold water on Japan or upon her sincerity when she was expressing friendship for this Nation.

I do not think that any Member here should say a word or do a thing that will offend any nation friendly to us in this trying time. [Applause.] Now that is one of the things I replied to in the gentleman's speech, and he says I was playing politics, trying to insult him. That was not my purpose. Another thing that the gentleman said that I do not think should go unchallenged, and that was since the secret treaties have been published between our allies, they showed that England, France, and Russia were going to slice up Germany. What does that statement mean, gentlemen? That our allies are not fighting for their very existence, but are out on a plunder tour, seeking to "slice up Germany"; that is the language. Slice up Germany! This country fighting with allies who are not fighting for self-preservation and liberty, but fighting to gain German territory? We know that the Kaiser started this war; we know that he was the only power in the world prepared for war in 1914, and that he forced the allies to fight for their existence. Then, why should a Member here be permitted to say that since the secret treaties have been published the fact is disclosed that they had an agreement to slice up Germany? Gentlemen, as I said, I called at the State Department, and they knew nothing about any such treaty. The allies deny the existence of such a treaty, and the only evidence of such a treaty is the conjured-up stuff of hired agents of Germany. There is no such treaty, the allies say, yet a Member on this floor says that since the secret treaties have been published our English cousins, our French friends, and Russian allies are going to slice up Germany. Gentlemen, do you think that a statement like that should be permitted to go out

from this place? Do you believe that the fathers and mothers of our boys who are fighting and dying for us in France should have to read such stuff as that, that our brave allies are fighting to slice up Germany? These boys are fighting to save the life of this Nation from the dangers that threaten it. [Applause.] These boys are fighting for our liberty, and not for any secret agreement.

The allies are fighting because they were forced to fight. These are the charges and insinuations that I am answering. Does it look like I was trying to play cheap politics? The gentleman from Illinois spoke during my absence, but he did not answer a single one of these points, not one. In one place in that speech he did say, "For God's sake, let us quit fighting among ourselves and fight the Kaiser." Gentlemen, I rejoiced when I read that. I said I have got him going in the right direction now. I have got him saying, "Let us fight the Kaiser." Now, you go and read that speech and see if you can find one line in it where he assails the German Kaiser, where he assails the brutality of the German Government, the Kaiser, and his brutal army; but there are a lot of flings in it at the allies and a lot of doubts and misgivings cast upon this Government's position in the war. In his last speech—the one made while I was gone—he said, "The Kaiser, that old devil." Well, he is still improving. I have got him calling the Kaiser an old devil. I believe he is coming through. [Laughter.] The gentleman from Illinois said, "Let us not fight among ourselves, but fight the Kaiser." Good; and the next time, "The Kaiser, that old devil," and that is still better. The next time I want to hear him say that that brutal, blood-thirsty monarch is the cause of all this trouble and destruction, but we are going to conquer him. That is what I want to see and hear.

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. A point of order.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. The gentleman from Alabama has come to a climax. [Laughter.] He has reached a point where he agrees with the gentleman from Illinois, and I want to ask, within the rules, if it is not sufficient for one day? [Laughter.]

Mr. HEFLIN. Mr. Speaker, I decline to be interrupted by the gentleman.

The SPEAKER. The Chair overrules the parliamentary inquiry.

Mr. HEFLIN. Now, Mr. Speaker, far from my desire or intention to assail the gentleman from Illinois for political purposes, I replied to his speech because I felt it my patriotic duty to do so. I replied to suggestions that he made in that speech. There will be no rioting among the people in the United States, he went on to say. Listen, gentlemen, they will not riot, he says, because they know that in the cool and quiet days of November they will be heard. What does he mean by that? Does he mean that this Government, through the Congress and through President Wilson, the greatest man in all the world [applause], has drawn this country into a war that the people do not indorse, and that the disposition to riot is there, but that they will not riot because they will vote their disapproval in November? According to my humble judgment there are but two meanings in that statement. One is that they are against their Government in the war and the other is that they will cowardly repudiate it in November, and yet I am arraigned through his speech in the Age-Herald of my State for some strange and mysterious reason for criticizing a speech which has in it these awful, ugly, and unfounded charges against my country.

That is the offense that I have committed. Am I to be ridiculed by a gentleman in or out of Congress because of the patriotic stand I have taken? I am willing to do and to suffer. While these boys are fighting over yonder, with people of my own blood in the Army, I am willing to suffer unwarranted criticism even by the hired agents of the German Government, and I am ready, if need be, to die for my country. That is where I stand.

On another occasion here the gentleman from Wisconsin [Mr. COOPER] saw fit to refer in a sneering way to a difficulty that I had on a street car some years ago while protecting a northern white woman from the brutality and insolence of a drunken negro. The gentleman from Wisconsin has lugged that incident into this place. I had finally to shoot the negro, and, in the difficulty, a white man was accidentally shot by me.

He was confined to the hospital for a month. I attended him, with trained nurses and some of the best physicians in the city, aided by my brother, Dr. Wyatt Hefflin, of Birmingham. Caring for this man and nursing him back to health cost me nearly

\$2,000, but I have never regretted my act of protecting that white woman from the insults and insolence of that drunken negro. [Applause.] Am I to be ridiculed on the floor of the House years after by a Northern Republican for trying to do my duty to a woman of my own race on a street car in the city of Washington?

Mr. MASON. I did not mention that, Mr. Speaker.

Mr. HEFLIN. I know you did not. I wanted to yoke him in—

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. MOORE of Pennsylvania. To make the point of order which I promised to make at the outset.

Mr. COOPER of Wisconsin. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. COOPER of Wisconsin. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Would it be in order to remind the belligerent gentleman from Alabama that I did not mention the fact that he had, in attempting to defend a white woman, shot a white man? I did not know before that that was his excuse for the shooting, and I never saw it printed. I made no reference to the subject at all, and as I recall the newspaper reports they were entirely different and his conduct was accounted for on vastly different grounds. [Applause on the Republican side.]

Mr. HEFLIN. Here is what the gentleman said. He said, "We remember the courage and gallantry of the gentleman as displayed a few years ago in this city," or words to that effect. That is what I am referring to.

Mr. COOPER of Wisconsin. I did not say that in those words. What I said was this, that the gentleman has a well-established reputation in this community for courage, we all know. That is right.

Mr. HEFLIN. That is the occasion that I am referring to.

The SPEAKER. The time of the gentleman has expired.

Mr. HEFLIN. Give me five minutes more.

Mr. MOORE of Pennsylvania. Mr. Speaker, I insist on the point of order.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the gentleman have five minutes more.

Mr. HEFLIN. I can finish in five minutes. Mr. Speaker, I have been interrupted.

The SPEAKER. The Chair understands the gentleman was interrupted, but the Chair must take into consideration the rules of the House.

Mr. HEFLIN. I would like to have five minutes more. I was interrupted frequently, the Chair will recall.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks unanimous consent that the gentleman have five minutes more. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Speaker, I did not realize that I had occupied the floor for an hour. I regret that I am not going to be permitted to conclude my remarks. There are a great many things in this connection that I wanted to say and that I may have to say later on.

The gentleman from Illinois [Mr. MASON], in attacking me in various ways, said that I was not willing to go to war but wanted to sacrifice my sister's son. Mr. Speaker, that boy is in the uniform of his country. My only son is in a military school, a 17-year-old boy now in training for the service of his country. I volunteered my services to the President the next day after he issued the war proclamation, but he said that he needed me in this House worse than he needed me at the battle front. [Applause.]

Now, Mr. Speaker, the gentleman from Illinois speaks of me as walking down Pennsylvania Avenue and being surprised that the thing did not turn over and bow to me. Well, I never noticed where the gentleman walked. I am after him about what he says in this body. He also said here that I had manicured eyebrows, and I never heard of manicured eyebrows before. [Laughter.] He says I cast a glance at the ladies in the gallery. God bless them. [Laughter and applause.] These good women come here each day and sit in the gallery knitting for our soldiers and witnessing the passage of these mighty war measures. I submit to this House that these patriotic ladies are entitled to rest their gaze upon me as a measure of relief from some other objects that I know hereabout. [Laughter.] They are entitled to feast their eyes upon me and other patriots in this body rather than suffer the constant affliction of gazing upon this walking advertisement of nuxated iron. [Laughter and applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN as the conferees on the part of the Senate.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4292. An act to conserve the gold supply of the United States, to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign Governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized.

Mr. DENT. Mr. Speaker, I ask that the gentleman yield. I understand that the Senate has disagreed to the House amendment to Senate joint resolution No. 123 and asks for a conference. I will ask that the House agree to the conference and that the gentleman from Kentucky [Mr. FIELDS], the gentleman from California [Mr. KAHN], and myself be named as conferees.

Mr. CANNON. What is the resolution?

Mr. DENT. The resolution is in regard to the quota bill which we passed with an amendment several days ago. I ask unanimous consent that the House agree to the conference asked by the Senate on Senate joint resolution 123.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the House agree to the conference asked by the Senate on Senate joint resolution 123. Is there objection?

Mr. SAUNDERS of Virginia. Reserving the right to object, I would like to know if the gentleman from Alabama will advise us, that before agreeing with the Senate on the question of credit for volunteers, he will give the House an opportunity to express itself on the same?

Mr. DENT. I will state to the gentleman from Virginia that I have been in favor of that proposition all along.

Mr. SAUNDERS of Virginia. I know that.

Mr. DENT. And expect to stand by it. I have no objection to stating that in view of the tremendous vote in favor of that proposition, before I agree I will bring it back to the House.

Mr. SAUNDERS of Virginia. That is entirely satisfactory.

Mr. MILLER of Minnesota. Mr. Speaker, we have not heard a word about the agreement just made.

Mr. DENT. I stated, in answer to the question of the gentleman from Virginia, that in view of the tremendous vote in favor of giving credit for volunteers, I would not agree to the Senate amendment with respect to that without bringing the matter back to the House.

Mr. MADDEN. Reserving the right to object, Mr. Speaker, this is the only question of difference between the two Houses, is it not?

Mr. DENT. Yes.

Mr. MADDEN. It seems to me, then, that the gentleman is going into the conference without the prospect of being able to confer if such an agreement is made.

Mr. DENT. Well, I will state to the gentleman that there are two propositions involved in the differences between the two Houses—one amendment, but two propositions involved—one giving credit for enlistments in the Regular Army and in the National Guard and the other extending credit to enlistments in the Navy.

Mr. MADDEN. It seems to me, Mr. Speaker, that inasmuch as that is the only real question involved in the difference between the two Houses, if the conferees come together with the understanding that they will not confer there is no use in having a conference.

Mr. SAUNDERS of Virginia. Reserving the right to object, I would like to say, in response to the objection just made, that the action suggested by me, is precisely what was done a day or two ago with respect to the \$2.50 per bushel wheat proposition when it went to conference. Further it is entirely competent for this body at this time to instruct its conferees not to

agree to the action of the Senate striking out the House provision relating to credit for volunteers.

I do not however propose to move to instruct our conferees. It may be that the Senate will recede from its amendment—but in view of what the gentleman from Alabama has said concerning the tremendous vote in the House in favor of credit for volunteers, I have asked him if he would be willing, before coming to any final agreement or understanding with the Senate conferees to bring the matter back to the House. This he has stated that he will do. Hence I withdraw my objection to the request for unanimous consent.

Mr. DENT. At the request of Gen. Crowder the Senate has held up this conference, so that he could make an investigation as to the effect that this credit system would have upon the classification authorized by the bill. It will take only a short time for us to get those facts. If Gen. Crowder is correct in his statement that he made to me—I may be mistaken in the view that I entertain on the subject—but on account of the fact that this House voted—294 to 65, I believe—in favor of the credit system, I think I ought to bring those additional facts back to the House before agreeing to the Senate proposition.

Mr. WALSH. Does that apply to both the credit proposition in the Army and in the Navy?

Mr. DENT. Yes; certainly. He is investigating both.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks unanimous consent to have appointed a new conference on this resolution 123. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. DENT, Mr. FIELDS, and Mr. KAHN.

REPORT FROM COMMITTEE ON RULES.

Mr. FOSTER. Mr. Speaker, I present a privileged report (No. 508) from the Committee on Rules.

The SPEAKER. The gentleman from Illinois presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 319.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11259; that there shall be not exceeding two hours of general debate, the time to be controlled one-half by the gentleman from Illinois [Mr. FOSTER] and one-half by the gentleman from Pennsylvania [Mr. GARLAND]; that all debate shall be confined to the said bill, at the end of which time the bill shall be read for amendment under the five-minute rule, and at the conclusion of such reading the committee shall rise and report the bill to the House, together with the amendments, if any, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion except one motion to recommit.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes; if the gentleman wants to offer a unanimous-consent request.

Mr. CARTER of Oklahoma. I want to ask unanimous consent, Mr. Speaker, to withdraw the conference report filed on the bill H. R. 8696, the Indian appropriation bill, in order that we may get back into conference. Our report has been filed and the Senate has rejected the report.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to withdraw the conference report heretofore filed on the Indian appropriation bill. Is there objection?

Mr. MILLER of Minnesota. Reserving the right to object, Mr. Speaker, I would like to make an inquiry of the gentleman in charge of the bill. I understand that there was an item which caused the Senate to reject the conference report. I desire to inquire whether, upon this conference report being returned to the conferees, it is the intention of the conferees to take up any of the other items that have been in controversy and in conference?

Mr. CARTER of Oklahoma. Of course, if it is returned the gentleman understands it opens up every item in the bill.

Mr. MILLER of Minnesota. I desire to know if the conferees propose to take up any of these items with a view to a contrary decision?

Mr. CARTER of Oklahoma. I can not say what items we will go into, but there are some that ought to be gone into.

Mr. SHERLEY. Reserving the right to object, Mr. Speaker, with the gentleman's permission, I think a word should be said about the peculiar situation that confronts this House by virtue of the more than peculiar rule that the Senate has adopted touching conference reports and the action that that body has recently taken touching this report.

The Senate has adopted a rule which was intended to be in substance the rule long prevalent in this House, that a con-

ference report which undertook to bring into or leave out of the bill matters that were not in dispute between the two Houses would be subject to a point of order; but instead of stopping there, they proceed upon the assumption that only the Senate is a party to a conference, and that therefore it is for them to say how and when and where the conference will be dealt with. And they provide that upon a point of order being made the bill shall be immediately recommitted to the committee of conference. They have no more power to recommit it to the committee of conference by such a declaration than they have to pass it and make it a law by their own action without consulting this House. Of course, this House is not going to stand for any such usurpation of power on the part of the Senate. They have the right to make such rules as they see fit touching what their conferees may do. They have the right to reject conference reports; but when they reject them, it is the right of this House either to agree to a further conference or not, as it may see fit; and as this matter is going to be one that may come up in the future, it is well that the House should understand just what is involved in the position that has been taken by the Senate upon this bill.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GARRETT of Tennessee. It ought to be stated that the particularly troublesome matter in that rule, the absolutely unworkable proposition in it, has been called to the attention of members of the committee of the other body that have to do with that rule.

Mr. SHERLEY. It is not only unworkable, but it is a piece of presumption that is unparalleled in the history of legislative bodies.

Mr. GARRETT of Tennessee. It would destroy legislation.

Mr. COOPER of Wisconsin. May I ask the gentleman from Kentucky a question?

Mr. SHERLEY. Yes.

Mr. COOPER of Wisconsin. I did not understand that the new rule of the Senate was susceptible of the interpretation which the gentleman from Kentucky now gives it.

Mr. SHERLEY. Well, I will read the rule.

Mr. COOPER of Wisconsin. One moment. Let me state what my understanding of that rule was. I would like to have the gentleman from Kentucky see if this is or is not his understanding. My understanding of that rule is that when the point of order was raised in the Senate the Senate would recommit the bill to its own conferees, that then the House would be notified of that action of the Senate, and the House, in its discretion, could return the bill or agree to the conference.

Mr. SHERLEY. Well—but there are no conferees when the report is rejected. That ends the conference.

Mr. COOPER of Wisconsin. I understand that technical point, but the bill would be handed back to the men who had been the conferees of the Senate. Everybody understands that.

Mr. SHERLEY. But that is not what the rule says. The rule says:

If new matter be inserted in the report, or if matter which was agreed to in both Houses is stricken from the bill, a point of order may be made against the report; and if the point of order is sustained the report shall be recommitted to the committee of conference.

Now, the very moment that a conference report is rejected there ceases to be a committee of conference. There are no longer either House or Senate conferees to whom the bill can be recommitted; and I repeat that it is one of the most remarkable performances by a legislative body that has ever come to my personal attention.

Now, the decision which they have made in this particular instance is also interesting because it has very far-reaching results. The Senate put an amendment upon the Indian appropriation bill in the nature of a proviso upon an appropriation, which provided that certain character of claims and leases other than oil and gas claims should be treated in a certain manner. The House disagreed to the Senate amendment, and it and other amendments went into conference. In conference the conferees of the House and the Senate agreed to the Senate amendment with an amendment striking out the words of limitation which excluded oil and gas leases, whereupon a point of order was made on the ground that as the Senate had limited its amendment to a certain character of leases that did not affect oil and gas the conferees could not make the limitation embrace such leases. Now, it has been the rule of this House for a great many years that even words of limitation could be stricken out of a paragraph without such a motion being subject to a point of order. Personally I have always thought that rule had only precedent to sanction it; that the

logic of the case ought to make it as much out of order to enlarge the scope of a legislative provision by eliminating words as it would be by adding words, and that the true rule should be whether the effect of the amendment to strike out was to change the character of the matter pending. Evidently the Senate has taken that position upon this matter, and that is a matter clearly within their right and not for us to complain of. They have the right to reject a report for any reason that they see fit; but having rejected it, they have no right to insist that the House shall go to conference upon their terms. And in order that the House may not be limited in its judgment as to what it desires, I trust that the gentleman in charge of this bill may suggest that instead of going to conference on the whole bill we go to conference on the bill with an amendment to the Senate amendment, presenting squarely the proposition that they saw fit to throw out, not because I favor it, for I do not know anything about its merits, but in order that the Senate may understand that it takes two legislative bodies to go to conference and to pass laws in the Congress of the United States.

Mr. WALSH. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. WALSH. Will the gentleman state what would be the situation if the House should refuse to give unanimous consent to send this bill back to conference?

Mr. SHERLEY. I presume that if the Senate had sent the papers back—assuming that they have the papers—with the statement that they asked for a conference, then it would be in order either to take the papers from the Speaker's table or to send them to the committee for such action as the Committee on Indian Affairs might want to take.

Mr. WALSH. If that course were not followed, would we not in a way become associated in the folly which the Senate has perpetrated in adopting this rule?

Mr. SHERLEY. I do not understand that the gentleman from Oklahoma has asked for a conference. He simply has asked that the conference report that has been presented here be withdrawn.

Mr. CRAMTON. Will the gentleman yield?

Mr. CARTER of Oklahoma. Just a moment. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARTER of Oklahoma. When these papers are withdrawn, if we get unanimous consent to withdraw them, then what will be the parliamentary status of the conference? Will we be back in conference or not?

The SPEAKER. Yes.

Mr. WALSH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. How will the bill get back in conference under the circumstances which have been stated here?

The SPEAKER. By unanimous consent.

Mr. WALSH. Then I am going to object.

Mr. CRAMTON. If the gentleman from Kentucky will yield for a question—

Mr. SHERLEY. Certainly.

Mr. CRAMTON. In a case such as we have before us, where legislation of very great importance that has not been considered by either the House or the Senate is added to an appropriation bill in conference, and that additional matter, as it happens, is put in by the striking out of language, but, as a matter of fact, is in violation of the spirit of the House rule if not its letter—and I admit that the precedents are as the gentleman says—and under the Senate rules the action of the conferees is out of order, I want to ask the gentleman if he does not think in a case like that the House would be unwise to agitate itself unduly about the matter?

Mr. SHERLEY. The gentleman seems not to understand what the House is concerning itself with. It is not the action of the Senate in rejecting the conference report. I have no criticism of that. It is the assumption in their rule, and action under their rule, that when a conference report has a point of order made to it that it shall immediately go back to conference. Now, that means that they determine how long a conference shall continue. What the Senate ought to do is what the House does under similar circumstances. When a point of order is made to a conference report, and the point of order is sustained, the House then advises the Senate that the conference report having been presented, a point of order having been made against it, the point of order was sustained and the conference report was rejected because it was beyond the power of the House conferees to agree to it. The Senate should simply advise the House that a point of order having been made and sustained to the conference report, the conference report has been rejected by the Senate. Then the matter is as if there

had never been a conference. But they are not satisfied to do that. The people who drew the rule seemed to forget that anybody was concerned except the Senate. So they said that whenever a point of order was made against a conference report and sustained the bill shall immediately go back to conference.

Mr. WALSH. Mr. Speaker, I object.

Mr. MADDEN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. Would not this report as it stands to-day ordinarily go to the Committee on Indian Affairs?

The SPEAKER. No.

Mr. MADDEN. The Senate struck out a part of the bill, and the question is whether or not the language they struck out ought not to be considered in Committee of the Whole House on the state of the Union.

The SPEAKER. Does the gentleman from Massachusetts adhere to his objection?

Mr. WALSH. I do.

MINERALS AND METALS FOR WAR PURPOSES.

Mr. FOSTER. Mr. Speaker, the report of the Committee on Rules which is presented provides for the consideration of the bill H. R. 11259, a bill to provide for the mineral war materials that the Government will need during this war. The rule provides for two hours of general debate, and after that that the bill shall be read under the five-minute rule.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MILLER of Minnesota. I would like to ask the gentleman if the general debate is to be confined to the subject of the bill.

Mr. FOSTER. The rule provides that it shall be confined to the bill because the time is short and the committee thought it should be confined to the subject matter of the bill.

Mr. SHERLEY. The gentleman from Illinois ought to give the House some reason for adopting the rule for the consideration of this bill.

Mr. FOSTER. I will say that there is an urgent reason why the bill should be adopted. The Shipping Board has taken over the ships carrying many of these articles to this country so that when they are taken off it will make all the more urgent the passage of this bill so that we may have an opportunity to secure sufficient war minerals. It is necessary in our own country that we should be as independent as possible in a time of war. Nobody knows what will be possible in the future in reference to importations, and so we believe that many of these minerals can be produced in our own country if proper attention is given to it. That is the reason for this bill. The men who have to do with the looking up of minerals came before our committee, men who have to do with minerals for war and industrial purposes, decided that the bill was one of urgent necessity. Some men who have these things in charge said that the bill should be passed now, not to-morrow or next day, but now, because it is imperative and the necessity was growing greater all the time. That is the reason that this rule has been presented.

Mr. WALSH. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. WALSH. When was the measure first introduced?

Mr. FOSTER. Some weeks ago, not as a bill at that time but as a committee print. It was taken up by the committee and afterwards introduced.

Mr. WALSH. I notice that the gentleman states that the purpose of the bill is to make us independent.

Mr. FOSTER. We hope it will as near as possible to do so.

Mr. WALSH. In administering this law, if it shall become a law, the gentleman does not think that it is going to make mining, the production of metals and minerals, any easier in this country?

Mr. FOSTER. No; it will not make it any easier, but it will enable an organization to go out through the country and look up the development of these minerals. There was an item in an appropriation bill to provide a certain amount of money to ascertain what the mineral resources of the country are.

Mr. WALSH. Would not the existing machinery, with a little increased appropriation, have full power and authority to do many of the things stipulated in the bill?

Mr. FOSTER. Those testifying before the committee did not think so.

Mr. McKENZIE rose.

Mr. MILLER of Minnesota. I would like to make an inquiry of the gentleman.

Mr. FOSTER. I will yield first to the gentleman from Illinois.

Mr. McKENZIE. Is it not true that the Bureau of Mines has all the crew and organization to get the mining resources of the country?

Mr. FOSTER. They have made an investigation in different parts of the country, but they have not an organization to go out and do what we are contemplating.

Mr. McKENZIE. Under this bill, would it be possible for the Government to operate mines?

Mr. FOSTER. It is not intended that the Government shall operate mines unless the mine is one that is not being operated or insufficiently operated. For instance, it is said that in one State there is a prospect for tin in a mine that has been in litigation for many years; nobody can operate it, and nobody knows whether there is sufficient tin there or not. In a case of that kind, if it became necessary, the Government could go in and do it.

Mr. MILLER of Minnesota. I notice in section 1 it is set out with great particularity the kinds of metals it is intended the Government shall endeavor to produce and conserve. I assume that the committee arrived at that list after a great deal of investigation and receiving the opinions of men who are competent to judge in matters of that kind.

Mr. FOSTER. The committee had the advice of men who are skilled.

Mr. MILLER of Minnesota. This is an extremely technical proposition. I understand that where there is a lot of iron in the country and capacity to make certain kinds of steel, it may be there is a shortage of certain hardening elements essential in the higher grades of steel. That applies not only to this country but to any other country. Has the committee been careful to make certain that this list contains all of the precious metals that might be necessary for purposes of the character indicated?

Mr. FOSTER. The committee has thought that this comprises all of them. There may be some that have been overlooked.

Mr. MILLER of Minnesota. The reason I mention that is that I have looked this over and read it many times and I can think of several that I think ought to be there, but I confess I am not an expert.

Mr. FOSTER. It may be that there were some that were overlooked.

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman a question. The bill carries an authorization for an expenditure of \$50,000,000. Of course, it is put in there with the expectation that immediately following its passage the Committee on Appropriations will appropriate that sum.

Mr. FOSTER. The committee hopes so.

Mr. SHERLEY. So that what is really presented to the House is a proposition in substance to appropriate \$50,000,000 for the development of the mining industry. I would like to ask the gentleman a question. We have just recently passed an act, unprecedented in the history of this country at least, with power to expend moneys in sums many times the amount carried in this bill for the financing of many kinds of corporations. What need is there that we should further burden the Treasury with direct appropriations in order to develop these mineral resources, even assuming that anybody can find any that ought to be developed that otherwise will not be developed?

Mr. FOSTER. The gentleman knows that often mining is a precarious business and an unusually hazardous undertaking.

Mr. SHERLEY. So precarious that Uncle Sam must foot the bill?

Mr. FOSTER. I am not ready to say that yet; but the gentleman will permit me to finish and say that there are many small mines throughout the United States—little miners who have not the capital—who can not go to the great corporations and secure financial help.

Mr. SHERLEY. Why can they not go to this Government corporation?

Mr. FOSTER. Because they will not loan to that kind of a mine; they are not developed.

Mr. SHERLEY. Why not? Is the gentleman authorized to say that Mr. McAdoo's corporation will not do business except with big folk?

Mr. FOSTER. Oh, no; I did not say that.

Mr. SHERLEY. That is the implication to be drawn from the gentleman's remark.

Mr. FOSTER. The gentleman knows that I have not said anything about that; but I said that the man who had a little mine, that might produce during the war and be a profitable mine, will not be profitable when the war closes. The gentleman knows that it would not be wise for a corporation to put money into that kind of a mine; they would not think it wise to do so, and yet the Government might get much material in that way.

Mr. SHERLEY. I would just as lief the Government should loan aid as that it should pay. It might get back part of its loan and it may not get back any of its payment.

Mr. FOSTER. Oh, yes; the Government will go out and buy this material for use by the Government. In the steel business last year they used 800,000 tons of manganese. Secretary Lane, in his testimony, said there is in sight in this country for this year 240,000 tons of manganese. We must develop manganese, if we are to make steel. I saw two gentlemen the other day who came into my office, going to New York to see this board of which the gentleman speaks. They were developing a tungsten mine, and they were going there to see if they could get financial help. They did not know whether they could get it or not, as they said mining was a peculiar business, as men who engage in it know, and so it might be difficult to get the money.

Mr. SHERLEY. The peculiar phase that I object to is that the committee insists on a direct appropriation out of the Treasury. This is not the only business that is hazardous. What the gentleman is asking is that this Congress shall now turn in and appropriate \$50,000,000 for the purpose of developing various and sundry mineral prospects of various and sundry people.

Mr. FOSTER. Oh, no.

Mr. SHERLEY. That is what it gets down to.

Mr. FOSTER. The \$50,000,000 is not for that purpose. It is this, that they may go and stabilize the price, so that a man is able to go out—

Mr. SHERLEY. What does the gentleman mean by that—to buy it?

Mr. FOSTER. I mean to fix their price for this product—get it developed in this country.

Mr. SHERLEY. But you have now absolute control of that without this legislation.

Mr. FOSTER. You can not make them go and develop it.

Mr. SHERLEY. No; you can not make them develop it, but you can fix the price, because the Government is almost the exclusive purchaser, and by virtue of its power to issue priority orders and in other ways it can make itself the exclusive purchaser of any mineral in the country.

Mr. FOSTER. We had men before the committee who had to do with these minerals who told us differently.

Mr. SHERLEY. They have not the power to fix directly the price, but they have the power to fix it indirectly, because they are practically the only buyers of most of the minerals the gentleman is proposing to develop.

Mr. FOSTER. Oh, no, they are not.

Mr. SHERLEY. Then, why are you developing them, if the Government does not need the minerals?

Mr. FOSTER. Because we have several industries.

Mr. SHERLEY. Yes; but the industries are being used on account of Government work and again we have control of the industries.

Mr. FOSTER. But we have to have chrome, manganese, and many of the other minerals.

Mr. SHERLEY. But we do not have to make this appropriation in order to get them. That is the gentleman's assumption.

Mr. FOSTER. The gentleman is wrong. We must have this appropriation if we are to secure these necessary minerals.

Mr. WALSH. Will the gentleman yield for a further question?

Mr. FOSTER. I will for a question.

Mr. WALSH. How was it that gentlemen who appeared before the committee happened to hit upon \$50,000,000? Was that because the fashion now is to make appropriations—

Mr. FOSTER. I can not tell the gentleman. Of course, that is a matter that is fixed on, and I do not know whether \$50,000,000 is an appropriate amount or not. It is impossible to tell just how much is necessary, but the committee believes this amount is not too much.

Mr. WALSH. Was it based on any estimate which was gone into?

Mr. FOSTER. There was no estimate made except the revolving fund which was necessary to be used, which was put at \$50,000,000.

Mr. WALSH. Would not the object of this measure be accomplished if we passed an authorization and allow the financing of the project to be left to the War Finance Corporation, as suggested by the gentleman from Kentucky?

Mr. FOSTER. I do not think so.

Mr. WALSH. Why, if it is urgent for the Government? Does the gentleman think the War Finance Corporation will refuse assistance to individuals and corporations that are engaged in producing or manufacturing or transporting matters or materials that are essential in war industries?

Mr. FOSTER. Many of these mines are small mines—

Mr. WALSH. But they are owned by somebody.

Mr. FOSTER. Away from the railroads. Oh, yes; they are owned by somebody.

Mr. WALSH. And they may need assistance.

Mr. FOSTER. It is necessary to go to these people and show them how to develop them. They are not large mines, many of them, but small mines.

Mr. WALSH. Certainly.

Mr. FOSTER. Now, the Government or some organization has to go out and show them the way to develop those mines in order to get the minerals.

Mr. WALSH. I agree it is necessary to develop them, but why can not the development, as far as the financing of the proposition goes, be done under the funds furnished to this War Finance Corporation? Let us confer authority on the Secretary of the Interior; but as far as the finances go, let it go to the War Finance Corporation to make these loans.

Mr. FOSTER. There might be a little mine which might need aid and—

Mr. WALSH. But they can go and have it inspected and—

Mr. FOSTER. But they are not going to do that.

Mr. WALSH. Then the statement that was made here when we discussed the bill that it was to help the small operators was erroneous.

Mr. McKENZIE. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. McKENZIE. I would like to ask my colleague, in speaking of the small operators, has this legislation been asked for by the small mine operators of the country, or is it a governmental project in the sense that the representatives of the Government came before your committee and asked you to pass it?

Mr. FOSTER. The representatives of the Government came before our committee.

Mr. HAMLIN. And of the State governments?

Mr. FOSTER. And of the State governments. Every geologist in the United States, men who are connected with the War Mineral Board, the Secretary of the Interior—all of those men came before the committee urging this legislation be enacted.

Mr. McKENZIE. This bill is not the result, then, of a propaganda put out by men who are engaged in promoting—

Mr. FOSTER. Not at all.

Mr. McKENZIE (continuing). Mining enterprises and wanting to unload on the Government?

Mr. FOSTER. Not at all; it is not at all.

Mr. HAMLIN. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. HAMLIN. I think there is a wrong impression prevailing as to the purpose of the bill. This bill only affects certain scarce minerals, a very few compared with the whole class of minerals of this country. It only affects those, so our committee was told by experts who ought to know and I think do know, which are vitally necessary in the manufacturing of war materials, munitions, and so forth, and a very large percentage of the minerals affected by this bill are not produced except in negligible quantities in this country, hence must be imported. We need the ships now engaged in carrying these materials from Spain, from China, from Japan, and from other countries, and those ships ought to be released so as to be used for other purposes. Now, the geologists of this country tell us that we have an abundance of a great many of these minerals in this country, and we have, undoubtedly, if developed. Now the purpose of the \$50,000,000 which is sought to be authorized in this bill is not that intimidated by the gentleman from Kentucky, but this was an arbitrary amount put in the bill with the hope that it would be sufficient to enable the President to carry out the purposes of this bill.

One man testified before our committee to a pyrite mine that had been developed in a way. He had his prospect and had sunk his shaft and found his ore there. He is a farmer. He is not able to go on and develop his mine and take chances on the prices of his ore. His mine is several miles from a railroad. That man could not come to this board the gentleman from Kentucky [Mr. SHERLEY] talks about and borrow money in order to develop his mine, but under this bill, if it becomes a law, and the Government should say that pyrite for a certain period of time, like we have said about wheat, shall not fall below a certain price per ton for a period of, say, two years, that man can get money to go in there and develop that mine and produce pyrite in large quantity. And that is true as to all the minerals mentioned in this bill, except as to tin. We do not hope to find enough tin in the United States. But most of the minerals in this bill, geologists tell us, we can find in this country, and that they are here if we can develop them. And we are hoping that not one single penny of this \$50,000,000 may be needed. If it is, it may become necessary to go and buy some of these minerals; but if we do, the bill provides that the Government can turn around and sell it to the steel manufacturers of this country and get the money back.

Mr. WALSH. It will have to be raised by taxation, will it not?

Mr. HAMLIN. To be sure; but when the Government sells these minerals to the manufacturers this money will come back to the Government.

Mr. MCKENZIE. When you speak of stabilizing prices, do you mean under this legislation the Government will raise the price to a point where a man or a corporation is operating one of these mining plants on, perhaps, a low grade of ore, and it is difficult to get it out, that under the price which you term the stabilized price they will be enabled to operate that mine, whereas they would not be at the price now prevailing?

Mr. HAMLIN. I mean that under this the Government has the right to fix a guaranteed minimum price, but that may not be uniform throughout the United States. The Government will take into consideration the cost of producing the ore, say, in Georgia, in Alabama, or up in Michigan or Wisconsin, and its proximity to market. And all these things will be taken into consideration. But that guaranteed price will be such a price as will guarantee to the people that put their money into the development of these mines, into the installation of machinery, and so forth, such a price that they will know they are not going to be absolutely ruined by the price going down shortly after the machinery is installed, but will receive not less than a certain price for a stipulated time. And in that way we will encourage the production in our own country of these vital minerals.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. MILLER of Minnesota. The point raised by the gentleman from Kentucky [Mr. SHERLEY], it seems to me, has no direct bearing on the purpose of this bill, for this reason: The Finance Corporation is authorized to loan money on securities, advance money on going concerns, let money go to banks and to manufacturing institutions that are manufacturing shells, artillery, and this, that, and the other. They have got to have security. The purpose of this is not to loan money to enable people to go ahead conducting an already going concern. The Government is not in the loaning business under this bill, as I understand its purposes. In these war operations there are many metals vitally essential that hitherto have not been in a large measure mined in this country, and some not at all, but they do exist, and the Government is going into the business of taking charge of the situation to see to it that these minerals are produced and that they get to the men that need them. And there is no other agency to do it.

Now, if I can be permitted to give an illustration that I think is pertinent. The steamer *Cyclops* sank the other day. It is no improper statement to say that she carried manganese from South America, manganese that is vitally needed by this country. We know that ships from South America coming to this country have been cut off largely, except for a few vital things.

Mr. HAMLIN. And more ought to be shut off.

Mr. MILLER of Minnesota. And more will be. I know where there are millions of tons of manganese existing. It is always admixed with other things. It has not been commercially valuable particularly, but it is of vital necessity that we have manganese, and if the supply from South America is shut off the Government can very easily take steps to have these deposits produce the manganese that is vitally necessary.

And I am going to say this out loud. I hope it will have some bearing on the consideration of this proposition. I learned from the highest authorities in Great Britain, who were keeping their eyes constantly on the situation in Germany, that while Germany had all the iron she wanted and all the copper she could use, that she was suffering terrifically because she did not have certain hardening materials required to make refined steel out of iron. Her torpedoes no longer had the strength or the accuracy they once had, because nickel was about gone, and that while they could not starve Germany and could not destroy her by the very close blockade that has been carried on, Germany as a result thereof is suffering terrifically on account of the absence of many of these various metals that are named right in this list. I could duplicate many of them from the recollection I have of that statement. And from the time I learned of that until now it has seemed to me the highest necessity that this country, which heretofore has been bringing from foreign countries these elements so needed, that we turn at once to their production in this country.

Mr. SHERLEY. Will the gentleman yield to me for five minutes?

Mr. FOSTER. Yes; I yield to the gentleman for five minutes.

Mr. SHERLEY. Mr. Speaker and gentlemen of the House, men may agree with most of what has been said by the gentleman

from Illinois [Mr. FOSTER] and the gentleman from Minnesota [Mr. MILLER] without agreeing at all to what they propose. Nobody who is at all familiar with the war and the war needs questions the need of a great many of these, what might be termed, secondary minerals. Nobody questions the desirability of enlarging the extent of the mining by which they are produced, but it does not follow from those conclusions that you have to appropriate \$50,000,000 out of the Treasury for that purpose. That is the point on which I take issue with the two gentlemen. This bill provides, first, that we shall undertake to fix a price for all these minerals and guarantee that price over a certain length of time and pay anybody any loss that he may suffer for the price being less than that sum during the period for which we make such a guaranty. And in order to make sure that we will be able to maintain that guaranty, it also provides that we may enter into any contracts with various miners and mining industries for the production of minerals at a fixed price, and if gentlemen will look at section 14 they will see that my statement is warranted by the bill.

Now, there is no use in deceiving ourselves. What is intended is this, that the moment this bill is passed the Committee on Appropriations shall be called upon to appropriate \$50,000,000, and the department will come in and insist that they have that much money. Why, to show you how much they think they need, they provide that the \$50,000,000 shall be a revolving fund, and they shall continue to expend it over and over again.

Now, I maintain that under the power that the Government now has every proper purpose sought to be effected by this bill can be effected without additional legislation. We have already reached the point in this country where new enterprises, except with Government permission, are impossible. We have reached the point where old enterprises will not be permitted to continue except by Government permission, and that is as it should be, because the Government need is greater than that of any individual. But by virtue of priority orders, by virtue of control over fuel, by virtue of control of transportation and control in other directions, the Government is in this hour and in every hour determining what businesses shall go on, what businesses shall extend, and what shall stop. It can absolutely determine the price of the basic things of this character, because it is practically the sole purchaser, and anybody else who is a purchaser of these minerals is a purchaser nearly always for the purpose of doing Government work, and in most instances the Government is buying for the credit of such concerns now and is furnishing them with raw materials and it is being charged on the price of finished articles made for the Government; and therefore there is no need, in my judgment, for this attempt more fully to develop these resources out of the Treasury, and there is great danger in it, because there is always an invitation and a temptation to expend moneys in ways that are not wise and where there is no satisfactory reason for the expenditure.

Let me say a word for the House to remember: The Committee on Appropriations has certain discretions and certain discretions it has not. It is expected to obey the mandate, and particularly the recent mandate of Congress, and it tries to do it, and the very men who at one moment vote an authorization and compel the committee to appropriate moneys the next moment condemn the committee and the Congress and the administration for the expenditure of money along lines which are not warranted. We have gotten into the habit that every time some gentleman, either in the Cabinet or in a department, out of an over enthusiasm touching his activities, considers that it is necessary to do something, to introduce a bill and carry \$50,000,000 or \$150,000,000 or \$350,000,000, as the man happens to be writing at the time seems to think. There are enough wild, crazy proposals coming before the Committee on Appropriations, some of them recommended by high officials in the Government, to make one wonder whether we can manufacture printing presses fast enough to print the money, because that is the only way we can pay the bill. We can not pay it with real money. We will have to develop the gold and silver mining industry away beyond anything that this bill can do in order to get money to pay for every new socialistic scheme that is in the head of some head of a department in this Government, and I beg this House to pause before it is swept off its feet by agitators of every special interest in this country. Naturally mining people want it and naturally every gentleman from a mining State will want it. That is natural, but it is not necessarily wise. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. FOSTER. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. WALSH].

The SPEAKER. The gentleman from Massachusetts [Mr. WALSH] is recognized for two minutes.

Mr. WALSH. Mr. Speaker, I am opposed to the adoption of this rule, and I am now opposed to the provisions of this measure in its present form. It does not necessarily follow that because a matter is called a "war measure" it is a war measure. But if it is a war measure, it does not necessarily follow that the Government shall go into this scheme on the scale outlined in this bill.

Now, we have seen what has occurred in price fixing as applied to wheat. We embarked upon that policy of guaranteeing a price, and we witnessed the divergence of views and the confusion that have resulted, as was stated here the other day.

Now, they are undertaking to encourage the production of a lot of minerals with, in many instances, unpronounceable names and some minerals and metals which we have never heard of before, and we are going to guarantee the price of those things, and by passing this legislation assume that the Government now is powerless to encourage or stimulate their production or to get sufficient supplies.

Now, I do not think that is the case. I do not believe that the intimations that have been made in the statement of the gentlemen who appeared before the committee are entirely sound. I think that if the Government desires to assist the manufacturers who need these metals, it has already the authority to stimulate their production and to encourage their being taken out of the ground. But I do not believe we ought to appropriate the sum of \$50,000,000, as a revolving fund, to enter upon this line of activity. I do not know, but perhaps this may be the forerunner of bringing in a bill to stimulate and encourage the production of one other, and I assume now that there is probably only one other great commodity or great product which is necessary for the prosecution of the war that up to this time has been left untouched, and possibly when this measure is out of the way there will be a measure brought in here providing for a revolving fund of \$50,000,000 or \$500,000,000 to fix and guarantee the price of cotton. But as I said at the beginning, I believe that the results attained under the guaranteed price-fixing scheme is hardly such as to warrant us in continuing it by the passage of this measure.

Mr. FOSTER. Mr. Speaker, it may be true that gentlemen on the floor who possibly know but little about minerals and their uses may know more than those who direct their production and know what is necessary to be done to get them and how urgent it is now that the Government should be assured of a supply. I doubt they have all the wisdom.

The ships have been taken off and the imports have been reduced to 10 per cent of normal. It may be that they know better than the men who are looking after the imports, and it may be that existing legislation is sufficient, but I doubt it. Yet I expect they would be among the first to get up here and find fault that the department had exceeded its authority. Now, Mr. Speaker, I move the previous question.

Mr. SHERLEY. If the gentleman will yield, there is a difference between the Bureau of Mines having the power and the Government having the power.

Mr. FOSTER. Well, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, on a division (demanded by Mr. WALSH), there were—ayes 30, noes 15.

The SPEAKER. The rule is agreed to, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from Virginia [Mr. SAUNDERS] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 11250, to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. Under the terms of the rule the gentleman from Illinois [Mr. FOSTER] will control one hour of the time, and the gentleman from Pennsylvania [Mr. GARLAND] one hour.

Mr. FOSTER. Mr. Chairman, I shall take but little time to talk about this bill. The committee having had its attention called to these minerals and the scarcity of them, and what was

likely to occur if we did not make some provision for the future, took up this bill, which was first written in the department under Secretary Lane and the war minerals committee. I was consulted quite a number of times in reference to it, and it was changed quite a good deal, and then, as stated in the report, the bill was introduced as a committee print and the hearings were had upon that bill. Then, at the close of the hearings, the chairman was authorized to introduce the bill and to report it favorably to the House. It bears the favorable report of the Committee on Mines and Mining, except that possibly one or two members may desire to offer amendments, which they are at liberty to do. As to the principle of the bill, the whole committee are in favor of it. I will say that we had before the committee Secretary Lane; Dr. George Otis Smith, Director of the Geological Survey; Mr. Baruch of the war minerals committee; Mr. Pope Yeatman, who is connected with the war minerals committee; Mr. Stoughton; and some mining engineers throughout the country and State geologists. They went pretty thoroughly into this bill and its provisions, having had something to do, of course, with its preparation, and Secretary Lane, Mr. Baruch, Mr. Pope Yeatman, and these men urged that this bill become a law at the earliest possible date.

Secretary Lane says that this condition is becoming critical and that something should be done to relieve it. We must have these minerals if we expect to carry on this war. As has been said, we get our manganese largely from Brazil. The consumption this year will be 800,000 tons, and we have in sight in this country now, with the estimated production of the year 1918, 240,000 tons. As everyone who has studied this question knows, we must have pyrites. We need now between 8,000,000 and 9,000,000 tons of sulphuric acid. We need the pyrites in order that we may continue to make our sulphuric acid. Manganese must be provided if we are to continue to make our shells. We must have graphite, arsenic, platinum, and a number of others. Yet the quantity in this country, so far as known, is very small of many of them.

Mr. JUUL. Mr. Chairman, I would like to ask the gentleman if, in mentioning these various minerals, he would briefly give us an idea of the uses to which they are put.

Mr. FOSTER. I did not want to take up the time to do that. I will be very glad to put it into the Record, so that the gentleman can see it. Now, I will take up pyrites.

Mr. JUUL. On page 2 of the bill you start with antimony.

Mr. FOSTER. I think the gentleman from Arkansas knows more about antimony, possibly, than some of the rest of us. These are the facts about pyrites:

PYRITES.

Name: (Synonyms: Pyrite, pyrrhotite, fool's gold, marcasite, coal brasses, iron pyrites, white iron pyrites, sulphur balls.)

Principal uses: Nonmilitary—For the manufacture of sulphuric acid, the larger part of which in normal times is consumed in the fertilizer industry. Military—Manufacture of sulphuric acid for use in munitions plants.

Degree of independence: In 1917, production, 33; consumption, 100.

Need for Government control: To encourage development of domestic deposits of pyrite and of the substitute mineral pyrrhotite, particularly those near points of consumption. To effect an adjustment between pyrite and sulphur used in various plants so as to insure maximum economy.

Principal domestic sources: The principal producing deposits are located in Virginia, California, Georgia, New York, Alabama, Missouri; in the coal regions of Ohio, Indiana, Illinois, and Pennsylvania, and in the zinc-lead district of Wisconsin. Large unworked deposits occur in all the Rocky Mountain States; in Maine, and in North Carolina and South Carolina. Minor pyrite deposits occur in practically all the States of the Union.

Now, take manganese. I suppose that most people know the use of manganese.

Mr. HELM. Can the gentleman give us the price of that mineral in different years and the present price?

Mr. FOSTER. The price of manganese in 1908 was \$12.74 a ton; in 1917, \$26.95 a ton; and it is now \$58.80.

Mr. HELM. Is not that price a sufficient stimulus to production?

Mr. FOSTER. If men had the money to go into these little mines, but they have not; and we must do something to stabilize the price, because when the war is over these prices will immediately drop down, and for fear that the war may end suddenly, men will not put a lot of money into the production; but if they can be assured a reasonable price, sufficient to pay them a profit, then they are willing to put their money into it.

Mr. JUUL. In other words, the gentleman means to state that when the war is over and no further use is found for the production of war materials, then the price will drop.

Mr. FOSTER. Why certainly, the price will naturally go down when there is no use for the material.

Mr. JUUL. Would they not get the normal price that existed before?

Mr. FOSTER. They would, but they would not get the price that they get now, and they could not compete with the cheaper production abroad.

Mr. HELM. Can the gentleman give the committee an idea of the number of mines that have been started since the war?

Mr. FOSTER. I can not. Some have been closed since the war began.

Mr. PLATT. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. PLATT. I do not understand why the purpose of this bill could not be attained by the imposition of a high tariff.

Mr. FOSTER. How are you going to get the ships?

Mr. PLATT. After the war when the shipping would be plenty. You are trying to get the Government to guarantee the price after the war is over, so that the people will put their money into it. That is what the report says.

Mr. FOSTER. You can not get it in time if you had a tariff as high as the Dome of the Capitol.

Now, manganese is used to manufacture ferromanganese and dry batteries. Every ton of steel requires 14 to 15 pounds of manganese. Manganese steel contains 12 per cent of manganese and has some military application. The production in 1917 was 32 per cent out of 100 per cent.

This is a necessity for Government control to stimulate and develop the domestic supply and encourage the substitution of spiegeleisen in the production of manganese. The sources in this country are not large. It oftentimes appears in small pockets, but when you take it out of one pocket you are gone. This is the discouraging thing in regard to manganese.

Mr. JUUL. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. JUUL. Why is the sea salt included in the bill and what use will it be put to?

Mr. FOSTER. Sea salt is imported into this country and is used in New England for salting fish. They do not have salt in this country, especially on the Atlantic coast, that they can use for salting the fish. So they must get it across the water. On the Pacific coast I understand that they do use more native salt. I do not know whether I ought to go through all of this.

Mr. LONGWORTH. I think the gentleman would be safe in stating that about half of the materials are for the purpose of hardening steel and are absolutely necessary in the manufacture of engines, and so forth.

Mr. FOSTER. Yes; there is no question about it. Take, for instance, arsenic, which is in the bill. Mr. Hoover told us he found arsenic had gone up from 4 cents a pound to 18 cents a pound, and, as we all know, arsenic is a very essential insecticide. He said that he had no power, in his judgment, to control the price of arsenic, except to contend that it was necessary for the growing of crops, and he took charge of all the arsenic in the United States and fixed the price at 8 cents a pound instead of 18 cents a pound.

The production in this country is about 6,000 tons of arsenic, which is about 60 per cent of the normal consumption in the United States. So we are short 4,000 tons. We ought to have some means of securing this mineral, which comes largely from copper mines. So if properly located we could probably secure the extra 4,000 tons.

Mr. FESS. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. FESS. Referring to manganese, we have not been producing much of that prior to 1914.

Mr. FOSTER. About 5,000 tons.

Mr. FESS. What is our capacity of consumption?

Mr. FOSTER. Secretary Lane says 120,000 tons last year, and we will probably double it, so that all we can see in 1918 is 240,000 tons when we require 800,000 tons. Before the war we produced 5,000 tons.

Mr. FESS. Dr. Smith states that at the present time we are mining more high-grade manganese, nearly twice as much in a single week as we did in a whole year in 1914.

I read from the hearings:

Mr. HAMLIN. How is the production of this metal as compared with our needs? Are we keeping pace with our needs?

Mr. SMITH. Last year we produced something like 23 per cent of our needs; we are doing much better than that now, but that seems to be a fair expression of the extent to which we are meeting our requirements.

The CHAIRMAN. So we are importing about 75 per cent?

Mr. SMITH. In one form or another. That was for 1917. I would not say what we are producing now.

Mr. WHITE. Of the high-grade ore we imported last year at least five-sixths, producing about 100,000 tons and importing about 750,000.

So it is the general opinion that under the aid which this bill will give we can produce our needs.

Mr. FOSTER. That is what we hope to do. I will say this to the gentleman from Ohio, that the manganese produced in

this country is not of that high grade that is produced in Brazil. But here is the advantage the Government would have in securing the control of all that we do produce and import. If the Government had control of all the manganese imported from Brazil, which is of a high grade, it can be used in connection with that which is produced in this country, which metal men call a sort of sweetening, and in that way we could do very much better.

Mr. FESS. Where does our main supply come from, Brazil?

Mr. FOSTER. Yes.

Mr. FESS. But the lack of ships is the trouble.

Mr. FOSTER. Yes; and so in the lack of pyrites from Spain.

Mr. STEENERSON. What is pyrites worth?

Mr. FOSTER. Twenty-six dollars a ton now.

Mr. FESS. I am rather sensitive on the subject touched upon by the gentleman from Kentucky [Mr. SHERLEY]. I would not be inclined to support this bill unless I thought it was an emergency. But I am convinced by Dr. Smith, whom I regard as one of the best posted men in America, that this bill is really needed.

Mr. FOSTER. I will say that I do not know much about this myself; I am a good deal in the situation of the gentleman from Ohio.

But I take the men who have been skilled in this work for years, men like Dr. Smith; like Mr. Bastin, who is in the Geological Survey; Mr. White—men of that kind—men like Mr. Lieth, of the Shipping Board, and Dr. Manning, and the men who are associated with him.

Mr. FESS. What about the American engineers?

Mr. FOSTER. The American engineers did this. They had a meeting in New York in which there were 14 directors present. They took up the bill one afternoon and did not think much of it. They went home that night and discussed it at their hotels, and the next morning they came back and all of them voted for it except two.

Mr. FESS. That is very suggestive.

Mr. FOSTER. Further, the State geologists in the United States are for it. They have passed resolutions to that effect, as the gentleman will see in the hearings. We had Dr. Richards, from the Lehigh University, and probably some of you know him—a most excellent gentleman, a man who impresses you with being honest and straightforward and who knows his business—and he urged very strongly that this bill should become a law, and he made some valuable suggestions to the committee in respect to these intermediate metallurgical substances.

Mr. FESS. I have had some correspondence with the head of the geological work in Ohio, Dr. Bonacher, and he very strongly urges this. For these reasons I shall support the measure, although naturally I would hesitate to support a bill of this kind, but these men think that the times demand it.

Mr. FOSTER. The men who have to look after getting these war materials are the ones who are held responsible for securing the proper amount, and they say it is absolutely necessary that we should do something, that a crisis is likely to be upon us when we will not have these materials.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. TOWNER. Of course I think most of the Members of the House feel the same way as the gentleman from Ohio [Mr. Fess], but the revolving fund of \$50,000,000 seems to be a very large amount. I would like to have the gentleman, if he will tell us, state just about why he thinks that such an amount is necessary, and before the gentleman does that let me suggest this: It is now within the power of the Government, or at least would be by the other terms of this bill, to guarantee to any institution or to any corporation that would undertake, for instance, the development of manganese or the production of sulphuric acid or arsenic or any other war necessity for a certain length of time a certain profitable price. That could be done without any expenditure on the part of the Government, because we make appropriations for the purchase of these things.

Mr. FOSTER. Yes. We must have the right if we control them. Take, for instance, imports. When the imports come into the United States, if it is necessary for the Government to control them, the Government must pay for them and then distribute them among the different manufacturers. We have to do that, I will say to the gentleman, and so it is if we go out and say to a man, "You get us so many tons of pyrites, and we will give you so much money for it if it is of a certain grade."

Mr. TOWNER. That is true; but let me suggest this to the gentleman. It may be that it is necessary to have this revolving fund, but it seems to me, in the first place, that perhaps it is altogether too large, and for this reason: Suppose it should be

necessary that we should make appropriation for the purchase of all of the imports that shall come, we can do that in the ordinary way. It is not necessary for us to create a great revolving fund of \$50,000,000, which is a temptation, as the gentleman well knows, for Government experts and enthusiasts to go out and say they will do this, that, or the other to develop all of these things. If we can secure that by private enterprise by making it profitable to private enterprise without this, it seems to me we ought to do it.

Mr. FOSTER. This accomplishes that purpose. I think it does. I do not know what amount they will need, I will say very frankly to the gentleman.

Mr. TOWNER. I was going to ask whether the hearings throw any light on the amount of money that might be necessary.

Mr. FOSTER. I do not know. We had talked about this, but I do not know whether it is in the hearings.

Mr. LONDON. I understand that Mr. Baruch made a statement that it would be necessary to appropriate a great deal more than \$50,000,000; that it was a mere guess; that it was impossible at this moment to tell how much money would be necessary.

Mr. TOWNER. Why, certainly. We would have to appropriate perhaps more than \$50,000,000 for the purchase of these articles; but that is not the proposition. We do that by appropriations, and can do it in that way as needed. But here is a proposition to create a revolving fund of \$50,000,000, which is to be put in the hands of Government officials to use practically as they desire. It occurs to me that that is a dangerous proposition unless it is necessary. If it is necessary, we will all be for it.

Mr. FOSTER. Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 20 minutes.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. LONGWORTH. I observe that the gentleman has enumerated platinum in his list of metals. I agree with the gentleman that the platinum situation is one of the most serious of all, but I am afraid the gentleman has not the right solution of the platinum question.

The great reason for the lack of platinum for the purpose of making war materials is its demand for jewelry purposes, and it is the demand for jewelry purposes, largely on the part of the women of the country, that has made the price of platinum near ten times that of gold. The gentleman may recall I endeavored to remedy the situation in one of the recent revenue laws by putting a prohibitive tax on the use of platinum for the making of jewelry.

Mr. FOSTER. I remember that.

Mr. LONGWORTH. Unfortunately, we did not pass it through the House.

Mr. FOSTER. There is a provision in this bill that gives the Government the right to prohibit its use for that purpose. It is a general provision.

Mr. LONGWORTH. I did not see that.

Mr. STEENERSON. It does not cover platinum.

Mr. FOSTER. The gentleman is mistaken, I think.

Mr. LONGWORTH. That might solve the situation.

Mr. JUUL. Will the gentleman yield.

Mr. FOSTER. I will yield to my colleague.

Mr. JUUL. I am asking in all sincerity—I want to say to the gentleman that I feel very friendly to the bill, but I would like to know what I am voting for.

Mr. FOSTER. Go ahead.

Mr. JUUL. Would this bill give the Government or a branch of the Government of the United States the power to negotiate or fix the price for a limited or unlimited period of time outside of the United States?

Mr. FOSTER. No; it only applies to the United States and possessions. It specifically says it shall not apply except to the United States.

Mr. JUUL. I am obliged to the gentleman for answering that. I was getting to be nervous that you might go over and start something somewhere else outside of the confines of this country and agree to have a year or two to pay prices that the value of the merchandise would not warrant.

Mr. FOSTER. No; it does not permit that. I reserve the balance of my time.

Mr. LONGWORTH. What section of the bill covers the subject of platinum?

Mr. FOSTER. I do not recall at the moment.

Mr. GARLAND. Mr. Chairman, in the hearings on this bill we had a great many people who came before us, and from the discussion given there, and given very earnestly and with what-

ever proof we could ask them, they insisted this bill was necessary for the prosecution of the war. Every item in here takes its place in some manner in contributing to the success of the war. A vast number of these metals go into the make-up of steel and iron of different qualities and different kinds that are necessary, and not alone necessary for us to have in this country but that we must furnish some of those to our allies who can not secure the same, and that this is the place from which we can secure these metals that they may need, and the evidence shown there in that committee convinced us that it was just as necessary to pass a bill of this character to develop these industries as it is to develop steel ore from the Mesaba Range that goes into the steel to be used in the making of battleships.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. MOORE of Pennsylvania. How did the committee come to arrive at the figures \$50,000,000 with which to start this enterprise?

Mr. GARLAND. Well, they did not arrive at that particular amount except that after consideration they believed that it might take that much. They do not expect to use that much unless it is absolutely necessary.

Mr. MOORE of Pennsylvania. Well, the gentleman, I am happy to say, has a good voice as well as a pleasing personality generally, and he can be heard, which is something I could not say of preceding speakers on the bill. They may have had something very important to say, and I want to get these facts, and I know the gentleman is able to let us have them. Fifty million dollars seems to be the sum now with which every committee starts some new enterprise in this country.

Mr. GREEN of Iowa. Nothing less.

Mr. MOORE of Pennsylvania. And I was wondering whether this was simply a force of habit that induced the Committee on Mines and its distinguished chairman to ask for that amount of money—whether it is the stereotyped amount or whether there is some real reason for it?

Mr. GARLAND. Oh, no; I think it is just a guess, as being the amount that may be necessary. None may be used.

Mr. MOORE of Pennsylvania. Mr. Baruch was before the committee—the gentleman who now heads the World's War Board. Did he suggest \$50,000,000?

Mr. GARLAND. He suggested \$150,000,000.

Mr. MOORE of Pennsylvania. More than the committee agreed to?

Mr. GARLAND. One hundred and fifty million dollars was the total he suggested.

Mr. MOORE of Pennsylvania. Mr. Hoover, the world's expert on food, was before the committee. Did he suggest any amount that they should start with?

Mr. GARLAND. He said this amount would be sufficient.

Mr. MOORE of Pennsylvania. That \$50,000,000 would be sufficient?

Mr. GARLAND. As I remember.

Mr. MOORE of Pennsylvania. Several members of several other boards we have recently created here for war purposes were before the committee, as I overheard the gentleman from Illinois say a while ago. Did they come to any agreement as to the amount suggested?

Mr. GARLAND. I think they agreed that \$50,000,000 would be sufficient, but that it was necessary to provide that amount in order to guarantee a supply of the different metals.

Mr. MOORE of Pennsylvania. Mr. Leith, of the Shipping Board, was also before the committee. Did he have any suggestion as to the amount?

Mr. GARLAND. He seemed to agree to that too.

Mr. MOORE of Pennsylvania. That that same amount would be satisfactory to him? Of course, I do not want to embarrass my friend from Pennsylvania, because he has worked hard on this bill. He is a practical man and knows something about what taxpayers have to meet in the way of war expenditures, and I want to ask him whether in his judgment we might not cut down this amount and start on something a little more reasonable?

Mr. GARLAND. I am for the amount in the bill for the reason that it appears to be sufficient to start on properly, and we will not necessarily have to come back after we have begun to prosecute the work and that we could deliver these minerals in a manner that will insure enough for the carrying on of the war.

Mr. MOORE of Pennsylvania. It would not cover coal mines?

Mr. GARLAND. It does not. They stipulate here all the minerals that are intended to be covered.

Mr. MOORE of Pennsylvania. The articles are all enumerated. The report indicates, and I assume the report was written

by a very good Democrat, probably the chairman of the committee, that the purpose of the appropriation of \$50,000,000 out of the Treasury is to stimulate home industries.

Mr. GARLAND. Undoubtedly.

Mr. MOORE of Pennsylvania. The gentleman from Pennsylvania is a pretty good tariff man, or was in prewar times, and I want to ask him whether he thinks it is altogether fair to the great Republican Party in these war times that the Democratic Party should come in here with a proposition to take money out of the Treasury of the United States rather than to have a protective tariff to stimulate home industries?

Mr. GARLAND. I will say this: That I recognize, and we all do at this time, that these infant industries were neglected at the time the tariffs were put on, and in a time of peace. There is no question about that. These industries were neglected. They were not protected, and as a consequence were not developed. Now, we have a war and we need these metals, and must have them, and the Government steps in and takes the place of the protection by paying for it out of the Treasury.

Mr. MOORE of Pennsylvania. Of the United States?

Mr. GARLAND. Yes, sir.

Mr. MOORE of Pennsylvania. And therefore the people pay for the stimulation of their own industries?

Mr. GARLAND. I see no other side to it but that.

Mr. FESS. Will the gentleman yield?

Mr. GARLAND. I will.

Mr. FESS. In the discussion of the Underwood bill in 1913 there was an effort to put a protective tariff upon ferromanganese in order to stimulate its production. It was very largely ridiculed out of court when the effort was made, and if the gentleman will recall, just a few moments ago, when I questioned the distinguished chairman of this committee, the Democratic Member from Illinois [Mr. FOSTER], as to whether he expected under this bill to produce sufficient manganese to satisfy the country, he felt sure that we would do it.

Mr. GARLAND. I was not here in that Congress.

Mr. FESS. Which was virtually a concession that had we stimulated it under the law of 1913 we would not be in this situation to-day.

Mr. GARLAND. I think it is only fair to say that I think we are warranted in attempting to do this, but that every one of these industries would have been developed if they had been properly safeguarded by a tariff, with the exception, possibly, of two.

Mr. MOORE of Pennsylvania. Does not the gentleman think that if we had adopted a ship-subsidy law a few years ago it might not have been necessary to create the Shipping Board during the duration of the war?

Mr. GARLAND. I unquestionably do.

Mr. MOORE of Pennsylvania. So that gentlemen are coming in under the cover of war now to protect themselves in times of peace.

Mr. SLOAN. The gentleman from Ohio brought up the Underwood tariff law. Does the gentleman think it is absolutely necessary to bring up painful recollections of that kind?

Mr. GARLAND. It is not painful to me; I had no part in it.

Mr. SLOAN. Except in recollection of the Underwood tariff. If the bitter cup must be taken, we must refer to it; but I thought the painful recollection of that distinguished piece of legislation would not be thrust upon the House.

Mr. FESS. Will the gentleman yield?

Mr. GARLAND. Certainly.

Mr. FESS. I think my friend from Nebraska will agree with me, in view of the shortsightedness of our Democratic friends in 1913, we will not stand in the way now of developing things by governmental agencies that we might have developed by individual initiative if they had been a little more far-sighted and had listened to the Republican Members at that time. In other words, we will not throw a stumbling block in the way now.

Mr. GARLAND. That is pure Republican spirit.

Mr. JUUL. Will the gentleman yield?

Mr. GARLAND. I will.

Mr. JUUL. Is there any clause in this bill anywhere that puts a limitation on the amount which may be used out of this \$50,000,000 to pay employees? I find on page 3, line 6, that "Any person may be employed under the provisions of this act without reference to civil-service laws and regulations." Now, does the gentleman consider that a good clause in a bill of this kind?

Mr. GARLAND. I am not very much in favor of that clause, but still I am in favor of the bill as it is, although we may amend it in some places.

Mr. JUUL. Was there any necessity for incorporating that in the bill?

Mr. GARLAND. It was done in order that to get employees that understood the business we could take practical people. We might not be able to get them through the civil service.

Mr. JUUL. Could not they be examined with the object in view of examining them simply as to their qualifications as mineralogists?

Mr. GARLAND. Yes.

Mr. JUUL. Would not this practically open the door to the unlimited expenditure of money? I am not speaking in a spirit of criticism.

Mr. GARLAND. It is supposed to be necessary to employ such people as may be necessary to perform work of this kind. This is for the purpose of encouraging those industries and opening them up. In other words, it has come to a point where we must have these metals. We can not import them any longer, at least in any great quantity.

Mr. JUUL. But the gentleman does not indorse particularly those three lines—6, 7, and 8, on page 3—to which I have referred?

Mr. GARLAND. I will say that the bill is subject to amendment.

Mr. HUSTED. Will the gentleman yield?

Mr. GARLAND. I will.

Mr. HUSTED. I would like to ask the gentleman whether this bill authorizes any surveys for the purpose of locating deposits of minerals in the ground? Whether that is authorized under section 12 or any other section of the bill?

Mr. GARLAND. Wherever the Government finds there are unused grounds or mines not being operated, it has the right to go in and operate them. But the principal intention of this bill is to encourage those who have such mines or deposits on their lands to develop them. Now, for instance, as to the sulphur mentioned in here; in Pennsylvania and in other States where there is coal there is more or less of sulphur. In some places the coal is so full of sulphur it is necessary to wash it before they use it for coking purposes and purposes of that kind. If there was sufficient price for the sulphur it could be recovered, and we are in hopes that by putting up appliances it will bring the sulphur to places where it could be used.

Mr. HUSTED. The reason I asked the question was this, that I know in the State of New York we have a very efficient geologist, and have had one for the past 40 years, and surveys of the whole State have been made for the purpose of locating mineral deposits. I assume the same is true of the other States of the Union.

Mr. GARLAND. Nearly all of them.

Mr. HUSTED. It seems to me the trouble lies in this indefinite future expenditure in the attempt to locate minerals. Is that authority contained in the act?

Mr. GARLAND. Most of the States have geological departments, and the representatives of those departments have an association of their own. They were represented at the hearings, and all agreed to work in harmony and do all they could to help develop these particular minerals.

Mr. MOORE of Pennsylvania. Will my colleague from Pennsylvania yield for one question? Does the gentleman know whether the President indorses this bill?

Mr. GARLAND. I have understood through the Secretary of the Interior that he does.

Mr. MOORE of Pennsylvania. The chairman of the committee in his speech made no reference to the President having indorsed the measure. That would seem to be the rule, so far as the House is concerned, for determining the war necessity of a bill like this. It has been so before. May I ask the gentleman from Illinois [Mr. FOSTER], in the time of the gentleman from Pennsylvania, whether the President of the United States has given any indication of his approval of this bill?

Mr. FOSTER. I will say to the gentleman that the President has not written to me about this bill, but I say that the President is for it. This is a war measure.

Mr. MOORE of Pennsylvania. The gentleman quoted some witnesses who were before his committee, but it has come to be the practice of the House this war session, when a bill involving \$50,000,000 comes before the House, to have a letter from the President indorsing it as a war measure.

Mr. FOSTER. I did not want to bring up that matter. I did not mention that at all.

Mr. MOORE of Pennsylvania. Surely there would be no objection to bringing before the House the matter of the President's indorsement of a \$50,000,000 bill.

Mr. FOSTER. I do not know—

Mr. MOORE of Pennsylvania. Still trespassing on the time of the gentleman from Pennsylvania, I would like to know if the President is for this bill.

Mr. HAMLIN. It is so obviously necessary that it is not necessary for the President to instruct the gentleman from Pennsylvania.

Mr. SLOAN. Will the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. I am trespassing on the time of the gentleman from Pennsylvania [Mr. GARLAND], who has been very generous so far.

Mr. GARLAND. I yield.

Mr. SLOAN. From the inquiries of the gentleman from Pennsylvania [Mr. MOORE], as I understand the matter, under the Constitution there is just one way for the President to give his legislative advice to the House of Representatives or the Senate, and he is an adept at that, either orally or in writing; and if the President is in favor of any of these propositions, I assume that he will send a message in the usual way, in his splendid method of expressing himself, or will come before the Congress and advise it.

Mr. FOSTER. The gentleman knows that the Congress has conferred great power upon the President, and we welcome his advice and his suggestions as to the war necessity of these measures.

Mr. SLOAN. I certainly would welcome it, and would welcome it in the constitutional way.

Mr. MOORE of Pennsylvania. I thought possibly the chairman of the committee, the gentleman from Illinois [Mr. FOSTER], would have some information on this subject, being the spokesman of his party and bringing in a bill that is supposed to be and is represented to be a war measure. I thank the gentleman from Pennsylvania [Mr. GARLAND] for yielding to me under these conditions.

Mr. HELM. If the gentleman from Pennsylvania will permit me, since the declaration of war there has been an enormous expansion of all characters and kinds of business relating to war preparation. New plants have been erected and plants existing before the war have been enlarged and multiplied. Nearly all of the plants demanding these metals that are enumerated in this bill are consuming them in far greater quantities than ever before, are they not?

Mr. GARLAND. I think they are.

Mr. HELM. Is there any testimony before the committee that any plant of any character or kind in the United States requiring any one of these metals as a constituent element in the manufacture of its products or output has been unable to secure sufficient quantities of raw material?

Mr. GARLAND. Yes; there has been. In the testimony it was shown that some of them were not able to get sufficient quantities of the different metals that they should have in order to turn out the full output of their establishments.

Mr. HELM. Will the gentleman kindly indicate what?

Mr. GARLAND. In addition to that, there has been an embargo on a great many of them, so that they can not be imported. For instance, take pyrites. We have plenty of pyrites in this country. We can get that substance almost anywhere in the country sufficient for all the needs of ourselves and our allies, but the price of it when shipped from Spain has been so low that it did not pay anybody to develop the mining of pyrites in this country. That industry now requires five ships to supply us.

Mr. HELM. Have we the raw material here?

Mr. GARLAND. Yes; but the mining of it has not been developed.

Mr. HELM. Are we getting it in sufficient quantities?

Mr. GARLAND. No; the price did not warrant people in going into that business. We are getting some.

Mr. GARNER. Could you not put an embargo on its importation?

Mr. GARLAND. There is an embargo. It comes from Spain. They are commandeering those ships, which they want to use in more necessary work.

Now, the purpose is to release these ships from that burden, allow them to take the boys and the supplies over there and develop these minerals right here where we have them.

Mr. HELM. What I am trying to get at is how is the volume of this business increased—the domestic production? Has it increased or not?

Mr. GARLAND. It has.

Mr. HELM. To what extent?

Mr. GARLAND. The production in this country is about 33 per cent of the consumption. In 1908 the production in long tons was 220,598. The price was \$3.85. In 1917 the production was 462,662 tons, double the amount, and the price was \$5.37 as against \$3.85.

Mr. HELM. Has that tended to extend the production?

Mr. GARLAND. It has tended to increase the production and still we produce only 33 per cent at that.

Mr. HELM. Can the gentleman cite the committee to any other mineral?

Mr. GARLAND. Every article in here is in much the same situation. I can show you the evidence that was given. Take antimony. That is used with lead, 12½ per cent of antimony, for the purpose of making shrapnel bullets. Antimony sulphide is used in making bombs.

Mr. HELM. What I want to know is how far the supply is behind the demand.

Mr. GARLAND. The production is about 10 per cent of the consumption. The consumption is 100 per cent.

Mr. HELM. All consumption is on a basis of 100 per cent.

Mr. GARLAND. In some articles we get more than the amount used, but not sufficient to supply the allies.

Mr. HELM. Is this for home consumption, or are we undertaking to supply all of the belligerent countries with which we are associated in the war?

Mr. GARLAND. Only so far as the prosecution of the war goes.

Mr. HELM. How does it meet the demand in the United States?

Mr. GARLAND. As I say, we only produced in 1910 33 per cent.

Mr. HELM. You say that this supply is needed for the allies?

Mr. GARLAND. I say in regard to some of these metals we have produced nearly the amount that we use. I can not now recall which ones, but I believe there are only a few.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. FAIRFIELD. The evidence before the committee was that there are ample supplies of the various minerals in this country?

Mr. GARLAND. In nearly all instances, with the exception of two.

Mr. FAIRFIELD. Are the sources of these minerals known to the Government?

Mr. GARLAND. Yes; they have evidence of it in different States and different places.

Mr. FAIRFIELD. Then there is not much need of prospecting for the location of the minerals.

Mr. GARLAND. I would not say that the bill contemplates much prospecting. It is known to a more or less extent where the minerals are, but the appliances to get out the quantity required requires some capital, and if men will develop them the bill is for the purpose of warranting the people who do develop them that they will get their money back by the price received.

Mr. FAIRFIELD. In other words, it is a guarantee of a minimum price.

Mr. GARLAND. It is a guarantee to an infant industry.

Mr. HELM. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. HELM. Do I understand that if a company of men will associate themselves together and indicate that they have minerals of some kind, the Government will back the enterprise?

Mr. GARLAND. No; not back the enterprise, but encourage them and see to it that we will pay a price sufficient to warrant them in putting in the required machinery to develop the mine and get out the mineral. The Government must at all times be able to discover how much it costs. In fact, the bill contemplates that the employees in that work who have it improved may examine the books and know the amount of cost, and it is to warrant the holders of such properties in putting in their own money to develop that industry.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. MOORE of Pennsylvania. The Department of the Interior issues licenses to the owners of the mines or mining property with a view to having development take place.

Mr. GARLAND. This contemplates licenses.

Mr. MOORE of Pennsylvania. The Government does not take the property over, but licenses the owner of such company as might be formed, following the suggestion of my colleague from Kentucky, and then they get a Government guaranty on what is produced.

Mr. GARLAND. The license is for the purpose of enabling the Government, if they try profiteering and do not live up to the regulations of the Government, to take away the license and the parties shall not produce the article any longer.

Mr. MOORE of Pennsylvania. The Government has the power to destroy the market for it by boycotting it.

Mr. GARLAND. The Government reserves the right to say whether they shall continue if they do not play fair.

Mr. FESS. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. FESS. Is there anything in the bill that contemplates the development of any mine on property owned by the Government—the public land?

Mr. GARLAND. There is a provision for the Government taking over idle or unused mines.

Mr. HAMLIN. I think the gentleman misunderstands the inquiry of the gentleman from Ohio [Mr. Fess]. I think the gentleman's inquiry goes to mines on Government land.

Mr. FESS. Yes.

Mr. GARLAND. That is what I am speaking of. I was speaking of mines on Government land. Some individual claims the land; but in order to get his patent he has to go through certain mining work, and if he does not do that the Government can take it over. This enables the Government to take it and operate it.

Mr. FESS. Is there anything in the bill that authorizes the Government to develop its own mines?

Mr. HAMLIN. No.

Mr. GARLAND. No; that is not contemplated.

Mr. FESS. In other words, the bill contemplates simply buying the products of American miners out of American mines rather than going to Spain and elsewhere to buy it.

Mr. GARLAND. Yes. They can not longer get it from there. That is the trouble. We are forced to have this mineral, and this is a means of getting it, and we believe an effective means, and while we are doing that we are developing our own resources.

Mr. FESS. Buying it of our own people?

Mr. GARLAND. Yes.

Mr. FESS. And fixing a price that would justify our own people in going ahead and developing the mines.

Mr. GARLAND. That is exactly it, and enabling them to put in the machinery necessary.

Mr. FESS. We have been a little disturbed about the \$50,000,000. That seems to be a large sum; but if it must be used for the purchase of these materials it is better to buy them of our own people rather than if the markets were open to go into other countries and spend the money there.

Mr. GARLAND. Unquestionably. It can be used; maybe none of it will be used, but it is to encourage the people to go into that business. I reserve the remainder of my time.

Mr. HAMLIN. Mr. Chairman, in the absence of the gentleman from Illinois [Mr. Foster], I shall yield myself some time. This bill is patterned very largely after what is known as the food-control bill. It is a character of legislation that under normal conditions and in normal times, I take it, none of us would favor. I would not, I am quite sure. Representatives of the Bureau of Mines, Geological Survey, together with a number of other people who are experts, mining engineers, and so forth, came before our committee and told us that the minerals mentioned in this bill are very scarce in this country, and yet vitally necessary in the manufacture of war materials, arms, and ammunition, and so forth, things that we must have and can not do without at this time.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. HAMLIN. In just a moment—and that as a matter of fact there were present in this country practically all of these minerals, if properly developed, but that a majority of them have so far been found in small quantities, not sufficient to supply the demand; but it was the opinion of geologists and others, before our committee, that if those owning the small mines could be encouraged to increase their production, then our domestic requirements might be supplied here at home. I yield to the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, has the gentleman information as to where the different minerals proposed to be legislated for can be located?

Mr. HAMLIN. Yes.

Mr. MADDEN. Just let me ask a series of questions, and the gentleman can answer them later.

Mr. HAMLIN. Very well.

Mr. MADDEN. And the development thus far had in the respective minerals, the quantities being produced of each class to-day, the quantity that is needed for the war needs of the country, and whether they can all be obtained in the United States through private operations, assisted by the Government, or whether the Government itself is going into the mining business?

Mr. HAMLIN. Not at all.

Mr. MADDEN. And whether the \$50,000,000 is necessary or only part of it is necessary; whether \$10,000,000 would not do just as well; whether, after we have proved the inadequacy of a \$10,000,000 appropriation, we could not obtain more if we needed it?

Mr. HAMLIN. I am afraid the gentleman's question will be so long that I will not be able to remember it all.

Mr. MADDEN. I am asking a lot of questions. Those are things I think the Members of the House would like to know.

Mr. HAMLIN. I am going to try to answer every one of those questions, provided I have the time.

Mr. MADDEN. We would like to get a succinct statement of the reasons for the legislation, showing what we hope to accomplish by it in detail and not in the aggregate.

Mr. HAMLIN. Mr. Chairman, my time will be too limited, I am afraid, to answer all of the gentleman's questions; but, answering one of the questions, let us take the item of antimony, which is the first metal mentioned in the bill. We are producing now in this country only about 10 per cent of what we have to have. The military necessity for this metal is given in the brief as follows:

Is found in antimonial lead, which is about 10½ per cent antimony, used for shrapnel bullets; then we have need for antimony sulphide in certain smoke bombs and in shells and cartridges.

Mr. MADDEN. We are only producing about 10 per cent of our needs?

Mr. HAMLIN. In this country at this time; yes.

Mr. MADDEN. What can we produce, and how does the gentleman know we can produce more?

Mr. HAMLIN. That is, in a way, an unknown quantity; but down in the State of Arkansas there is a known antimony deposit. The Bureau of Mines has furnished us with this map, and the gentleman can get a pretty good idea of where the present deposits of ore mentioned in the bill have been located by the Geological Survey and the Bureau of Mines prospectors, and so forth. Now, in Arkansas there is an antimony deposit which has been producing and is producing now, as I understand it. The gentleman from Arkansas [Mr. Wingo], in whose district this deposit is located, can give more definite information about it.

Mr. MADDEN. Producing what?

Mr. HAMLIN. Antimony.

Mr. MADDEN. How much?

Mr. WINGO. It is not a question of an antimony mine, but there are vast antimony deposits there, and no one knows what they will produce until opened up fully.

Mr. MADDEN. What is it in, pockets? Do they have to drive a shaft?

Mr. WINGO. Yes; they have to drive a shaft.

Mr. MADDEN. Or a tunnel.

Mr. WINGO. They have to drive a shaft.

Mr. MADDEN. How deep from the surface is antimony found?

Mr. WINGO. I have been in one shaft at one time, and I think the deepest shaft had gone down about 200 feet, possibly.

Mr. MADDEN. What is the deposit, in a vein?

Mr. WINGO. It is not a vein at all.

Mr. MADDEN. It is in pockets?

Mr. WINGO. Yes.

Mr. MADDEN. So when you get one pocket it may be 10 feet square, and that ends it and you do not know what is coming after that?

Mr. HAMLIN. My time is limited, and I can not yield further. Antimony is not only found in Arkansas but in Nevada, California, Alaska, Washington, Oregon, and Idaho.

Mr. MADDEN. Did the gentleman say it was found in Nevada?

Mr. HAMLIN. Yes. It is found in Nevada, Washington, Oregon, Idaho, and Arkansas.

Now, take the case of arsenic. We produce 60 per cent, or did in 1917, of the amount we required.

Mr. MADDEN. Where do we get the other 40 per cent?

Mr. HAMLIN. We imported it.

Mr. MADDEN. Where from?

Mr. HAMLIN. I will look. I wish I had more time; I have got it all here.

Mr. MADDEN. I think it is important to get this into the Record and that we get this information from the gentleman.

Mr. WINGO. I will say to the gentleman that before the day is over I intend to put in the Record the statistical information covering each and every one of these essential supplies we are importing and the domestic production, so it can be used when we get under the five-minute debate in the consideration of the bill.

Mr. HAMLIN. I was going to do that same thing, but if the gentleman is prepared to do it I will be very glad to have him do so.

Mr. WINGO. I am prepared to do that.

Mr. HAMLIN. About 90 per cent of arsenic comes from Canada, where it is produced as a by-product in the smelting of silver ore at Cobalt, Ontario.

Mr. MADDEN. The gentleman stated a moment ago we produced 60 per cent. We only need 40 per cent more.

Mr. HAMLIN. That is the statement furnished by the Bureau of Mines, and no doubt what is meant is that 90 per cent of what is imported comes from Canada.

Mr. MADDEN. That is a friendly place and we can afford to continue that further.

Mr. HAMLIN. We could do that, but we may just as well produce it in this country and be self-sustaining. I would like to take time to endeavor to correct some false impressions which appear to prevail in regard to the purposes of this bill.

This bill simply seeks to give the Government a right to control, in so far as it can, the production and handling of certain scarce minerals and ores which are vitally necessary in the manufacture of war materials. I know that there is not a man here who is not more than willing to do everything necessary to back up our brave boys who have gone and who will go to the front to fight for the things for which we stand, and, if necessary, make the supreme sacrifice that the Stars and Stripes may continue to be emblematic of the freedom of mankind the world around. These brave boys must have arms and ammunition and other military equipments. It is up to us to provide them. These things can not be furnished without the use of the things mentioned in this bill. We can not get them from foreign countries without the use of ships. Ships can not be provided in sufficient numbers to properly transport our Army to France and to provide them with food and equipment. Especially is this true if some of the ships are to be used in the importation of material which may be produced in this country. This is a drastic measure, but these are drastic times and call for heroic remedies.

Now, what does this bill provide? Let us take a brief review of its provisions.

Section 1 enumerates certain scarce minerals and ores and by-products thereof, which the committee believes the Government, under present conditions, ought to control.

Section 2 provides that the President, through the Secretary of the Interior, may carry out the provisions of the bill.

Section 3 provides that no person who may be connected in any official or semiofficial way with the execution of this law shall profit by reason of any contract made with any concern with which he may have a business connection and which is in any way connected with the production or handling of the materials mentioned in this bill. And this provision is safeguarded by a severe penalty for violation of the same.

Section 4 prevents any person, company, firm, or corporation from committing waste, hoarding, or in any manner prevent a full, free, and equitable distribution of the materials mentioned in the first section of this bill.

Section 5 provides for the licensing, when deemed necessary, of persons, firms, companies, or corporations engaged in the production, storing, transporting, or otherwise handling any materials mentioned herein. The purpose for this provision is apparent. The Government must have some direct and effective way to enforce the provisions of this bill.

Section 6 is a definitive section.

Section 7 provides for a mode of procedure in case the provisions of section 6 shall be violated.

Section 8 provides for punishment of any person, firm, company, or corporation who shall attempt to enhance the value or restrict the output or in any other way improperly attempt to interfere with the Government control of the materials mentioned in the bill.

Section 9 prohibits the forming of conspiracies to do certain things contrary to the provisions of this bill.

Section 10 gives the President the right, under certain conditions, to requisition these necessities, to store the same, and to pay certain compensation for private property taken or private rights invaded.

Section 11 gives the Secretary of the Interior, with the approval of the President, a right to use the funds provided or authorized in this bill, under certain limitations, to purchase, store, and sell the necessities mentioned in section 1 of the bill.

Section 12 gives authority to the Government to requisition and take up certain undeveloped or insufficiently operated mines or idle mineral lands under certain conditions and limitations.

The wisdom of this provision must be apparent to everyone who has a full appreciation of the critical situation that this Government may be put in as to these vital necessities during the existence of this war.

Section 13 gives the Secretary of the Interior, with the approval of the President, a right to make such regulations as he may deem necessary to prevent an undue enhancement, depression, fluctuation in prices, speculations, and so forth, to the detriment or injury of the Government, and provides a right to organize the necessary machinery in the Department of the Interior to carry out the provisions of this bill.

Section 14 is perhaps the most important section in the bill. Among other things, it provides authority to the Secretary of the Interior, with the approval of the President, to fix, under certain conditions, both a minimum and maximum price for the materials mentioned in section 1 of the bill, and also gives him authority to purchase outright any materials mentioned herein, when in his judgment the interests of the Government may require him to do so. In order to protect the interest of the Government, he may adjust the tariff duties on the articles mentioned in the first section of this bill. In other words, I think this section will give the President authority to absolutely control the price of these minerals and also a right to protect the interest of the Government on any guaranties made, and to insure a proper and equitable distribution of these necessities by resale, in such manner as he may deem best.

The other sections of the bill are largely administrative and provide a revolving fund to enable the President, through the Interior Department, to carry out and enforce the provisions and purposes of the bill.

Mr. SCOTT of Michigan. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. SCOTT of Michigan. Who prepared that map?

Mr. HAMLIN. This map was prepared down at the Bureau of Mines.

Mr. SCOTT of Michigan. In the discussion, will the gentleman go into the approximate percentage of the details of the production? You have bromine there—

Mr. HAMLIN. The gentleman from Arkansas [Mr. WINGO] has just stated that he will put in the Record to-day all of that information, so that the gentlemen can read it in the Record to-morrow.

Mr. SCOTT of Michigan. Just a second—

Mr. HAMLIN. I will not have time to go into that.

Mr. SCOTT of Michigan. The purpose of this bill, I understand, was to stimulate production.

Mr. HAMLIN. Yes; and to prevent hoarding, profiteering, and secure proper distribution of these vital minerals and ores.

Mr. SCOTT of Michigan. Will the gentleman advise me whether or not a revolving fund of \$10,000,000 instead of \$50,000,000 will suffice as well as the amount fixed?

Mr. HAMLIN. It may. I am not in any way wedded to the idea of \$50,000,000. There may be \$50,000,000 or \$100,000,000 required; I do not know. What we want to do is to furnish the President, or the Interior Department through the President, with a sufficient fund to carry out the purposes of this bill. I do not care, and I do not believe the committee cares, anything about what the specific sum is, so it is sufficient to do the work.

Mr. HUSTED. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. HUSTED. The gentleman has stated the Government does not intend to go into the mining business.

Mr. HAMLIN. It does not.

Mr. HUSTED. I would like to ask the gentleman what is the reason for the provision of section 12, which provides that the Government may requisition and take over for use or operation by the Government any undeveloped or insufficiently developed or operated or idle mineral land or deposits, and so forth?

Mr. HAMLIN. It is just one of those precautionary provisions put in to meet a condition or emergency which we do not believe will but may arise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMLIN. I yield myself five minutes more.

TAKE UP THE SHIPPING SITUATION.

Now, then, what we are seeking to do is to be able to say to the people, who are putting their money into the development of these mines, we will guarantee that you shall receive not less than a certain price per pound or per ton, whatever the unit is, for the ore that you produce within a given period of time, and that price will be such as to insure a return of their invested capital. We recognize that these are extraordinary times; that the demands are extraordinary; and that a tariff would not be able to control the situation because too slow and

uncertain. These are extraordinary times, where an extraordinary amount of an extraordinary kind of material is needed, and extraordinary means must be adopted to meet the situation. Men in normal times can not afford to mine low-grade ore and compete with mines where the recovery may be large, but we need in this emergency the products of all kinds of mines producing the minerals mentioned in this bill. We need sulphur, and large quantities of it can be gotten out of coal, but it requires the installation of a certain kind of machinery and plant to do that.

In normal times the demand for sulphur would not be sufficient to warrant the expense of putting in these plants. Now, then, we need the sulphur, and so we say to the coal producers, "Put in your plant and produce or separate from the coal the sulphur that the manufacturers need, and we will guarantee for a certain period of time that your prices shall not fall below a certain price." In this way we hope to stimulate the production of these rare and scarce minerals, much of which are now being imported from foreign countries, and which we can not continue to import if we are to use the ships in other lines which are so vitally necessary at this time.

Mr. LONGWORTH. This bill refers not only to these rare minerals of which the gentleman has spoken, but also to "ores, minerals, intermediate metallurgical products, metals, alloys, and chemical compounds."

Mr. HAMLIN. Yes.

Mr. LONGWORTH. Does not the gentleman think that the term "chemical compounds" is perhaps a little too broad? For instance, let me draw the attention of the gentleman to pyrites, which is the basis of sulphuric acid, and sulphuric acid is the basis of many thousands of acids, many of which have no relation to the war. With the general, broad term of "chemical compounds," do we propose to give the right to the Government to regulate the price of all of these?

Mr. HAMLIN. That was discussed in the committee. I confess that I do not possess the technical training along those lines to have an opinion of my own. The original bill did not contain the language to which the gentleman has just directed attention, but experts from the Bureau of Mines and the Geological Survey and others came before our committee and said that there would be some question, perhaps, whether certain of these vital by-products or compounds would be controlled if the language should be left as it is in the first draft of the bill, and they suggested the language which the gentleman from Ohio has just read, and it was put in the bill.

Now, then, speaking for myself, this thought occurred to me, and I think it will occur to the gentleman from Ohio: This bill, by terms, is only effective during the war. We are hoping that the period is not to be long. There would not be much time, we hope, for an abuse if that provision of the bill is too broad and advantage should be sought under it. There might be times when it would be necessary for the Government to have these broad privileges, and I for one would be in favor of including too broad language in the bill rather than making it too narrow and finding ourselves embarrassed.

Mr. LONGWORTH. I would not like to offer any obstacles to the production of these variously named metals, but when you use the term "chemical compounds," and when I happen to know vaguely that sulphuric acid is the basis of almost every acid that is made, and that we now give the right to regulate the price of every acid produced in this country, it seems to me that is much too broad, and I think the committee would have been wise if they had left the bill as it was originally.

Mr. TOWNER. Let me offer an explanation. I think the gentleman is not perhaps justified in his suspicion, because of this fact, and if you notice the language it says it includes only the following-named mineral substances. Now, that limits the consideration of this bill or the application of it to the list of articles commencing with antimony. Some of them, as the gentleman will see, are minerals and some of them are ores. So that general language does not include everything.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HAMLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Mr. Chairman, I do not make any pretension to any technical knowledge of these minerals or chemical propositions. For that very reason very early in the consideration of this bill I called on the department for a statistical statement that would give certain information; that is, give the name of

each one of these ores, its principal uses for domestic as well as for military purposes, and then the extent of our dependence on them; that is, the domestic production as compared to the total consumption, and then the need for Government control as asked for by the department, and the principal domestic sources or foreign sources, and amount of imports. Now, I have had that furnished by the department, and I will ask at this time unanimous consent to insert that in the Record so that when we get under the five-minute rule gentlemen can very promptly turn to the Record and get this information.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to insert in the Record the data to which he has referred. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

ANTIMONY.

Principal ore mineral stibnite, a sulphide of antimony. Some oxides of antimony also mined.

Principal uses: Nonmilitary—Alloyed with lead and other metals for type metal, antifriction bearings for machinery, etc.; white antimony oxides for enameling bathtubs, etc.; also in glass making; red antimony sulphides for vulcanizing and coloring red rubber; also in paints. Military—Antimonial lead with about 12½ per cent antimony for shrapnel bullets; antimony sulphide in certain smoke bombs; antimony sulphide in primers of shells and cartridges.

Extent of independence: In 1917, production about 10; consumption, 100.

Need for Government control: Stimulation of domestic production will be necessary in event of curtailment or complete cutting off of over-seas imports.

Principal domestic sources (arranged in order of their 1916 production):

Nevada: Mainly Humboldt, Lauder, and Elko Counties.

California: Mainly Kern and Inyo Counties.

Alaska: Fairbanks and Nome districts.

Washington: Mainly Okanogan County.

Oregon: Mainly from Baker County.

Idaho: Shoshone County.

Arkansas: Sevier County.

Domestic production: Antimony ore production negligible prior to 1915. No statistics.

Short tons.

1915..... 5,000

1916..... 4,466

1917..... Probably only 2,000 to 2,500

Average annual prices, antimony metal. Cents.

1908 (prewar)..... 8.7

1909 (prewar)..... 8.3

1910 (prewar)..... 8.2

1911 (prewar)..... 8.6

1912 (prewar)..... 8.5

1913 (prewar)..... 8.5

1914 (prewar)..... 8.7

1915..... 30

1916..... 25

1917..... 21

Imports, 1908-1917.

Year.	Antimony ore.	Antimony metal.
	Short tons.	Short tons.
1908 (prewar).....	1,644	4,045
1909 (prewar).....	1,726	4,779
1910 (prewar).....	673	3,973
1911 (prewar).....	820	4,243
1912 (prewar).....	781	6,968
1913 (prewar).....	2,010	6,240
1914 (prewar).....	1,303	6,555
1915.....	3,001	8,742
1916.....	7,764	9,875
1917.....	10,370	17,825

Imports, 1917, by leading countries.

	Per cent.
Metallic antimony:	
China (in part via Japan).....	87
Mexico.....	12
Canada and England.....	1
Total.....	100

Antimony ore:	
Bolivia (via Chile).....	39
Mexico.....	22
China.....	28
Argentina.....	6
Others.....	5
Total.....	100

ARSENIC.

Main oxide of arsenic, also known as white arsenic and arsenious acid. Principal uses: Uses entirely industrial, about two-thirds going into insecticides and "weed killers" and one-third into the manufacture of glass.

Degree of independence: 1917, production, 60; consumption, 100.

Need for governmental control: In absence of mineral administrator, Food Administration has had to control arsenic situation to maintain reasonable prices for a substance essential to crop growing. Production in hands of a few large companies. A careful consideration of further

needs is essential with a view to securing increased production as required.

Principal domestic sources: The arsenic produced in the United States is almost entirely a smelter by-product. The ores yielding the arsenic are widely distributed, but Butte, Mont., is probably the principal camp.

Domestic production and prices.

Year.	Quantity.	Value.
	Short tons.	Per pound.
1909.....	1,214	No figures.
1910.....	1,497	0.21 to 31
1911.....	3,132	.011 to .021
1912.....	3,141	.021 to .031
1913.....	2,513	No figures.
1914.....	4,670	2.9 to 3.6
1915.....	5,498	.021 to 24
1916.....	5,985	31 to 81
1917.....	6,151	.08 to .20

Imports: Arsenic and arsenic compounds—"Arsenious acid (white arsenic)," "sulphide of, or orpiment" (not including small amounts of Paris green and London purple).

Year:	Short tons.
1908.....	4,964
1909.....	4,036
1910.....	5,139
1911.....	4,096
1912.....	6,156
1913.....	4,701
1914.....	3,628
1915.....	3,183
1916.....	2,163
1917.....	3,956

Imports, 1917, by leading countries: Probably 90 per cent from Canada, where it is produced as by-product in smelting of silver ores of Cobalt, Ontario.

Exports, 1917: None.

BALL CLAY, OR WHITE-BURNING PLASTIC CLAY.

Principal uses: Pottery, including porcelain electrical supplies. Need for Government control: To encourage development of domestic deposits and improve methods of mining and concentration. To allocate imports to industries in which they are most essential.

Principal domestic sources: Major—Florida, Kentucky, Tennessee. Minor—California, New Jersey.

Domestic production and prices.

Year.	Quantity.	Average price.
	Short tons.	Per ton.
1908.....	40,838	\$3.28
1909.....	49,074	4.35
1910.....	70,637	3.64
1911.....	65,072	3.39
1912.....	64,639	3.50
1913.....	67,134	3.54
1914.....	67,927	3.77
1915.....	75,348	4.01
1916.....	89,761	4.35
1917 (estimated).....	145,000	4.74

Imports: Imports of this type of clay not separately reported. Practically all comes from England. Imported ball clays superior to and more uniform than most domestic ball clays.

BISMUTH.

Principal uses: Industrial—For low-melting-point alloys in automatic-sprinkler systems, boiler safety plugs, etc.; also some bearing metals and type metals. Bismuth salts are used in medicine for intestinal disorders. Military—Bismuth salts in surgical dressings.

Need for Government control: The large use in surgical dressings makes it essential to provide in advance for adequate supplies. Large amounts now going to waste in smelter furnaces could be conserved.

Domestic production and prices: Bismuth is a by-product of lead and, to a small extent, of copper refining. Production statistics are not available. No unusual demand has developed during the war period, and the price has remained at about \$3.50 per pound.

Metallic bismuth—Imports (for consumption), 1908–1917.

Year:	Pounds.
1908.....	164,793
1909.....	183,413
1910.....	198,174
1911.....	172,093
1912.....	182,840
1913.....	117,747
1914.....	90,505
1915.....	44,362
1916.....	76,723
1917.....	69,250

BROMINE.

Principal uses: Nonmilitary—Photography, medicine, and chemistry. Military—Asphyxiating gas and medicine.

Degree of independence: Undeveloped domestic supplies are adequate for all demands.

Need for Government control: Military needs far exceed present rate of production, and wells are now being drilled at Government expense to increase the output. The careful use of the existing supply and the stimulation of further production would be facilitated by a mineral administration.

Principal domestic sources: A by-product of the salt industry obtained from salt wells in Michigan, Ohio, and West Virginia.

Domestic production and prices.

Year.	Quantity.	Average price.
	Pounds.	Per pound.
1908 (prewar).....	760,023	\$0.10
1909 (prewar).....	569,725	.10
1910 (prewar).....	245,437	.13
1911 (prewar).....	651,541	.17
1912 (prewar).....	647,200	.22
1913 (prewar).....	572,400	.20
1914 (prewar).....	576,991	.35
1915.....	855,857	1.00
1916.....	728,520	1.34
1917.....	903,860	1.50 to 0.60

Imports: None.

Exports, 1917: None.

CERIUM AND THORIUM (ORE MINERAL, CHIEFLY MONAZITE).

The oxide of cerium or coria constitutes about one-third of the mineral monazite. The oxide of thorium constitutes a variable but less quantity of the same mineral. The mineral monazite is mined for its thorium content chiefly. Cerium is obtained as a by-product in the extraction of thorium.

Principal uses: Cerium: Industrial—Incandescent gas mantles, constituent of spark-producing alloys for cigar lighters, etc. Military—Suggested uses—Ignition of explosives; for military signaling. Thorium: Industrial—Incandescent gas mantles. Military—None known.

Degree of independence: Production, less than 1; consumption, 100. Need for Government control: To encourage discovery and development of domestic deposits to insure control in case important military uses develop.

Principal domestic sources: Stream sands in North and South Carolina.

Domestic production of monazite sand.

	Quantity.	Approximate average value per short ton.
	Short tons.	
1908.....	211	\$240
1909.....	271	240
1910.....	50	240
1911–1914.....	0
1915.....	18	200
1916.....	19	200
1917.....	Very small.	200

Average annual prices: No data available for cerium.

Average price per pound of thorium nitrate.

1908.....	\$4.70
1909.....	3.87
1910.....	3.19
1911.....	3.00
1912.....	3.00
1913.....	2.73
1914.....	2.98
1915.....	4.50
1916.....	6.25
1917 (about).....	7.00

Imports (for consumption), 1908–1917.

Year.	Monazite sand.	Thorium, oxide, nitrate, and other salts, in part scrap mantles.
	Short tons.	Short tons.
1908.....	(1)	33
1909.....	35	71
1910.....	227	65
1911.....	353	61
1912.....	278	59
1913.....	403	65
1914.....	385	77
1915.....	937	34
1916.....	1,218	21
1917.....	2,919	11

¹ Not reported.

Imports, 1917, classified by countries.

	Per cent.
Brazil (approximately).....	50
India (approximately).....	50

Exports, 1917: None.

CHALK, CLIFFSTONE, WHITING (CRUDE).

Principal uses: Used as filler in manufacture of rubber. Used in paint, and putty, and for polishing paper.

Degree of independence, 1917: Production, 8; consumption, 100.

Need for Government control: To aid in development of domestic substitutes, to restrict consumption of high-grade imported material to important uses, and to secure its just allocation.

Principal domestic sources: No true chalk is obtained in the United States. Limestones yielding substitutes for English whiting are quarried in Illinois, Michigan, Missouri, Iowa. Unproductive chalk deposits that are prospective sources of whiting: Arkansas, Alabama, Kansas, Mississippi, Nebraska, Texas.

Domestic production: Prior to 1916. No data.

Roughstone sold to manufacturers of whiting.			
Year:		Short tons.	
1916		4,700	
1917		12,229	
Prices.			
Roughstone:			
1916—			
Illinois	per short ton	\$0.60–\$0.70	
Michigan	do	3.00	
1917—			
Illinois	do	0.70–0.80	
Missouri	do	1.08–1.16	
Iowa	do	1.25	
Whiting:			
1916, Michigan	per short ton f. o. b. mills	\$10	
1917, Michigan	do	12.50	

Imports, 1908–1917.

Year.	Manufactured.		Ground, precipitated, etc., value.
	Short tons.	Value.	
1908–1915 (not recorded)			
1916	149,171	\$112,670	\$32,714
1917	145,255	126,605	43,957

Imports, 1917, classified by countries.

	Per cent.
England	85
Denmark	7

Exports, 1917: (Manufacturers of), \$165,281.

CHROMIUM.

Principal ore mineral is chromite.
Principal uses: Nonmilitary—Making ferrochrome used in chrome steel, especially for automobiles; making refractory brick for blast furnaces; making chemicals for paints, dyes, leather tanning. Military—Making ferrochrome for steel used in armor plates, armor-piercing projectiles, high-speed steel-cutting tools, aeroplane motors, etc.

Degree of independence: 1917 production, 37; consumption, 100.
Need for Government control: To increase domestic production to permit further reduction of imports from New Caledonia. This can only be done by encouraging the small miner, for most of the deposits are small. The production of ferrochrome is mainly in the hands of one concern which controls also the chromite imports. Government control is desirable to forestall profiteering.

Principal domestic sources: Prime importance—Sierra Nevada Range in California. Coast Range in California, Klamath Mountains of California and Oregon, Blue Mountains of Oregon. Secondary importance—Washington, Wyoming, Pennsylvania, Maryland, North Carolina.

Domestic production and prices.

Year.	Quantity.	Average annual price per long ton.
	Long tons.	
1908	359	\$20.14
1909	598	13.88
1910	205	13.31
1911	120	13.58
1912	201	13.70
1913	255	11.19
1914	591	14.75
1915	3,281	11.20
1916	47,035	15.44
1917	42,682	25.49

Year:	Imports, 1908–1917.	Long tons.
1908		27,876
1909		39,624
1910		38,579
1911		37,540
1912		53,929
1913		65,180
1914		74,686
1915		76,455
1916		115,945
1917		72,063

Imports, 1917, classified by countries.

	Per cent.
Rhodesia	59
Canada	26
New Caledonia	14
Others	1

Exports, 1917: Not recorded, but very small.

COBALT.

Principal ore minerals, cobaltite, smaltite, linnæite.
Principal uses: Industrial—Alloyed with other metals to make "high-speed" tool steels and "stellite." Cobalt compounds are used in insect poisons and in coloring pottery and glass. Military—Cobalt steels and stellite used in tools for cutting shells and other war steels.

Degree of independence: 1917 production, 0; consumption, 100.
Need for Government control: To aid development of domestic sources and to secure just allocation of imports according to Government needs.

Principal domestic sources (not productive 1917): Missouri—Friedricktown, Madison County. Idaho—Blackbird, Lemhi County; southeastern Utah and southwestern Colorado.

Domestic production: 1908–1917, negligible.

Prices: Average \$2 per pound; at times rising to \$4; present, \$2.50.

Year:	Imports, 1908–1917 (for consumption).	Pounds.
1908		219,098
1909		12,132
1910		14,935
1911		602,454
1912		791,242
1913		309,396
1914		334,558
1915		208,047
1916 (includes also metallic cobalt; imports are solely from Canada)		343,504
1917 (includes also metallic cobalt; imports are solely from Canada)		500,199

CORUNDUM AND EMERY.

Principal uses: Industrial—Grinding, roughdressing, shaping, and polishing metal, particularly steel and glass. Military—Used as above in manufacture of a host of articles, munitions, and general military equipment.

Degree of independence: Production, 83; consumption, 100.
This degree of independence is more apparent than real, inasmuch as domestic emery of inferior grade was necessarily employed at cost of speed and efficiency to supplant foreign emery normally, but not now imported in large quantities.

Need for Government control: To direct and assist search for domestic supplies and assist in development of them and distribution of the product, and to secure just allocation of imported high-grade materials necessary to industries engaged in production of military equipment.

Principal domestic sources: Major—New York, Westchester County; North Carolina, Jackson and Macon Counties; Virginia, Pittsylvania County. Minor—Georgia, Rabun County (nonproductive); Montana, Gallatin County.

Domestic production and prices.

	Quantity (short tons)	Domestic corundum grains (cents per pound).	Domestic emery ore dollars per short ton (rough average).
1908	669	4.6	\$13.00
1909	1,580	5.45	11.20
1910	1,028	5.51	15.00
1911	659	5.50	10.50
1912	992	6.10	6.65
1913	957	5.82	5.00
1914	485	6.59	5.00
1915	3,063	6.33	10.00
1916	15,282	7.92	8.00
1917	16,062	8.55	10.00

Year:	Imports, 1908–1917 (for consumption).	Short tons.
1908		9,922
1909		12,365
1910		33,537
1911		12,712
1912		19,486
1913		20,426
1914		15,349
1915		10,116
1916		9,385
1917		2,287

Imports, 1917, by countries of origin: British dependencies—India; South Africa, 90 per cent; Canada, 9 per cent.

Exports, 1917: Chiefly manufactures such as emery wheels and only value recorded, \$4,881,600.

EMERY.

(See Corundum and Emery.)

FERROSILICON.

Alloy of iron and silicon.

Principal uses: To increase the liquidity in casting steel; to deoxidize steel; to make silicon pig iron or steel, which resist corrosive action of acids and are used in acid and chemical plants.

Degree of independence: 1917, production, 100; consumption, roughly, 100.

Need for Government control: Manufacture is dominated by a small group and competition is restricted.

Year:	Domestic production.	Long tons.
1916		166,308
1917 (estimated)		160,000

Year:	Imports, 1911–1917 (for consumption).	Long tons.
1911		6,658
1912		7,490
1913		7,208
1914		6,249
1915		5,128
1916		6,740
1917		9,740

Exports, 1917: Six thousand eight hundred and sixty-three long tons in last six months. Figures not available prior to July 1.

FLUORSPAR, OR FLUORITE, BUT OCCASIONALLY CALLED "SPAR."

The latter name is also applied to calcite, dolomite, and barite.

Principal uses: Used as flux in smelting of copper, lead, and iron; in manufacture of fluorides of iron and manganese for use in steel fluxing; in recovery of potash in Portland cement manufacture; in manufacture of fluorine chemicals; and in electrolytic refining of lead and antimony.

Degree of independence, 1917: Production, 94; consumption, 100.

Need for Government control: Two concerns control the bulk of the production. Control is necessary to insure reasonable prices and to stimulate domestic production so that imports may be further reduced.

Principal domestic sources: Major—Illinois, Hardin and Pope Counties; Kentucky, Crittenden and Livingston Counties. Minor—Colorado, Mineral and Boulder Counties; New Hampshire, Cheshire County; Arizona, Yuma County.

Domestic production and prices.

Year.	Short tons.	Price per short ton.
1908.....	38,785	\$5.83
1909.....	50,742	5.80
1910.....	69,427	6.20
1911.....	87,048	7.02
1912.....	116,545	6.60
1913.....	115,580	6.37
1914.....	95,116	5.99
1915.....	136,941	5.58
1916.....	155,739	5.92
1917.....	195,000	(7)

¹ Estimated. ² Returns incomplete. Prices range from \$6 to \$30 per ton.

Year.	Imports, 1908-1917 (for consumption).	Short tons.
1908.....
1909.....
1910.....	42,488
1911.....	32,764
1912.....	26,176
1913.....	22,682
1914.....	10,205
1915.....	7,167
1916.....	12,323
1917.....	13,614

Exports, 1917: None.

FULLER'S EARTH.

Principal uses: Bleaching or filtering mineral and vegetable oils and animal fats and greases.

Degree of independence (on assumption of no exports): 1917, production, 82; consumption, 100.

Need for Government control: Search for and development of domestic deposits.

Principal domestic sources: Major—Florida and Georgia. Minor—California, Colorado, Arkansas, Massachusetts, South Carolina, South Dakota, and Texas.

Domestic production and price.

Year.	Quantity.	Average price per ton.
1908.....	Short tons. 29,714	\$9.37
1909.....	31,486	9.01
1910.....	32,822	8.95
1911.....	40,677	9.41
1912.....	32,715	9.34
1913.....	38,534	9.58
1914.....	40,981	9.85
1915.....	47,901	10.21
1916.....	67,822	10.42
1917 (estimate).....	75,000	10.80

Year.	Imports, 1908-1917.	Short tons.
1908.....	12,166
1909.....	12,752
1910.....	16,857
1911.....	18,224
1912.....	19,109
1913.....	18,623
1914.....	24,977
1915.....	19,441
1916.....	16,801
1917.....	16,995

Imports, 1917, classified by countries: Probably all from England.

GRAPHITE.

Also known as plumbago, silver lead, black lead.

Principal uses (in order of importance): Nonmilitary—Crucible manufacture, brass, bronze, etc., and crucible steel, high-grade crystalline graphite required; foundry facings, used for coating molds in foundries; amorphous or low-grade crystalline; lubricants, fine graphite, amorphous or crystalline required; stove and shoe polish, low-grade material can be used; lead pencils, amorphous graphite chiefly used; paint, particularly for fireproof paint, low-grade material suitable; boiler-scale preventive, low-grade material suitable. Military—Crucibles for munitions manufacture; foundry facings for castings; lubricants, used mixed with oil or grease, for all kinds of machinery; protective polish for high explosives; paint, used in the slate-gray battleship color; also as an antifriction paint on ships' bottoms where high speed is essential; battery filler for flashlights, automobile batteries, etc.; graphite electrodes, made from artificial graphite also used in electric furnaces, particularly in high-grade steel manufacture.

Degree of independence: 1917, all grades, production, 25; consumption, 100; crucible grades, production, 11; consumption, 100; noncrucible grades, production, 44; consumption, 100.

Need for Government control: To foster development of domestic supplies, and particularly to aid and direct improved treatment of domestic ores, so as to increase yield of crucible grades; also to secure just allocation of necessary imports.

Principal domestic sources: Major—(a) Amorphous graphite is mined in Colorado, Michigan, Nevada, and Rhode Island; (b) crystalline graphite, Alabama, Clay, Coosa, and Chilton Counties; New York, Adirondacks; Pennsylvania, Chester County. Minor (crystalline graphite)—Montana, Dillon district; Texas, Llano and Burnet Counties; California, Los Angeles and San Diego Counties; Alaska, Seward Peninsula.

Domestic production.

Year.	Amorphous.	Crystalline.	Total.
1908.....	Short tons. 1,443	Pounds. 2,288,000	Short tons. 2,587
1909.....	15,095	6,294,400	8,243
1910.....	1,407	5,590,592	4,202
1911.....	1,223	4,790,000	3,618
1912.....	673	3,543,771	2,445
1913.....	2,243	5,064,727	4,775
1914.....	1,725	5,220,539	4,335
1915.....	1,181	7,074,370	4,718
1916.....	2,622	10,931,989	8,088
1917.....	3,301	10,514,080	8,558

¹ Includes Georgia graphitic slate.

Prices (sales at mines).

	Amorphous graphite, (dollars per ton).	Crystalline graphite, average of all grades (in cents per pound).	Highest grade (in cents per pound).
1908.....	\$52.22	5.8
1909.....	16.41	5.0
1910.....	28.22	5.3
1911.....	26.64	5.3	\$0.06 to \$0.07
1912.....	29.40	5.3	.05 to .07
1913.....	17.58	5.0	.06 to .08
1914.....	22.46	5.5	.06 to .08
1915.....	10.46	5.9	.07 to .10
1916.....	7.97	8.4	.10 to .16
1917.....	12.57	10.2	.12 to .18

¹ Fluctuations of values due to varying amounts of low-grade material mined.

Year.	Imports, 1908-1917.	Short tons.
1908.....	11,456
1909.....	21,267
1910.....	25,235
1911.....	20,702
1912.....	25,643
1913.....	28,879
1914.....	21,990
1915.....	23,075
1916.....	42,930
1917.....	42,577

Imports, 1917, by countries of origin.

	Per cent.
Ceylon.....	57
Mexico.....	17
France (Madagascar).....	10
Canada.....	8

Exports.

Unmanufactured (noncrucible grades) 2,576 short tons.....	\$349,617
Manufactures of graphite.....	891,633

GRINDING PEBBLES.

Flints, flint pebbles, tube-mill pebbles.
Principal uses: Industrial—Grinding gold, copper, and other ores; cement clinker; quartz and feldspar for glass and porcelain. Military—Indirect only, in manufacture of cement and electrical insulating porcelain.

Degree of independence: 1917, production, 60; consumption, 100.
Need for Government control: To stimulate discovery and use of domestic substitutes and to secure just allocation of imported flint pebbles to those industries for which they are most essential.

Principal domestic sources: San Diego County, Cal.; Mahattan, Nev. Prospective sources: Pike, Howard, and Sevier Counties, Ark.; Massachusetts and Maine coasts.

Domestic production (not flint, but substitutes therefor).

Year.	Long tons.
1908-1915.....	None or negligible.
1916 (estimated).....	6,500
1917 (estimated).....	18,925

Average price: \$6 to \$10 per ton f. o. b. loading points.

Imports, 1908-1917.

Year.	Quantity.	Value.
1908.....	Not stated.....	\$219,754
1909.....	do.....	301,547
1910.....	do.....	307,280
1911.....	do.....	236,158
1912.....	do.....	289,904
1913.....	do.....	324,662
1914.....	do.....	474,901
1915.....	do.....	274,901
1916.....	do.....	313,120
1917.....	12,500-14,500 long tons (estimate).....	195,977

Imports, 1917, by leading countries.

	Per cent.
Denmark (approximately).....	55
France (approximately).....	40
Sweden (approximately).....	5

Exports, 1917: No record; probably none.

IRIDIUM.

Obtained only from the refining of crude platinum. Average iridium content of crude platinum as follows: United States crude platinum, 25 per cent iridium; Russian, 5 per cent iridium; Colombian, 1.8 per cent iridium.

Principal uses: Nonmilitary—As a hardening element in the alloys called "platinum," used in jewelry and electrical industries. Military—Must be had for the contact points in magnetos for motor trucks and aeroplanes and magnetos for various types of signaling equipment used by both Army and Navy.

Degree of independence: The United States produces less than 5 per cent of the iridium needed.

Need for Government control: The necessity of providing adequate supplies for essential military purposes is itself an adequate reason for Government control.

Principal domestic sources (see under Platinum).

Domestic production and prices (see under Platinum).

Prices: No quotations. Has usually sold a few dollars an ounce above platinum, but in the latter part of 1917 reached a maximum of \$185 an ounce, due to scarcity of supply.

KAOLIN OR CHINA CLAY.

Principal uses: Manufacture of pottery, including porcelain tile and electrical ware; filler in paper and some textiles.

Need for Government control: To encourage development of domestic deposits and to allocate imported kaolin to industries in which it is essential.

Principal domestic sources: Major—Delaware, Maryland, North Carolina. Minor—Alabama, California, Connecticut, Pennsylvania, Texas, Vermont, Virginia.

Domestic production and price.

Year.	Quantity.	Average price per ton.
	Short tons.	
1908.....	28,649	\$7.55
1909.....	31,227	7.72
1910.....	34,221	7.48
1911.....	27,400	8.07
1912.....	25,852	8.54
1913.....	28,834	8.17
1914.....	34,191	8.33
1915.....	28,031	8.62
1916.....	47,723	6.43
1917 (estimate).....	34,000	9.71

Year:	Imports 1908-1917 (entered for consumption).	Short tons.
1908.....	176,895	
1909.....	246,381	
1910.....	257,902	
1911.....	255,107	
1912.....	278,276	
1913.....	268,666	
1914.....	328,038	
1915.....	209,132	
1916.....	226,524	
1917.....	240,914	

Imports, 1917, classified by countries: From England, 98 per cent.

MAGNESITE.

Principal uses: Refractory lining for steel and other furnaces, sanitary flooring in office buildings, hospitals, ship decks, and railroad cars.

Degree of independence: 1917, production, 90; consumption, 100.

Need for Government control: Encouraging its use as a substitute for chromite for refractory purposes. Insuring proper priority for shipments in relation to other commodities.

Principal domestic sources: California and Washington.

Domestic production and price (crude magnesite).¹

Year.	Quantity.	Average price.
	Short tons.	
1908.....	6,587	\$3.00
1909.....	9,465	4.00
1910.....	12,443	6.00
1911.....	9,375	8.00
1912.....	10,512	8.00
1913.....	9,632	8.00
1914.....	11,263	11.00
1915.....	30,499	9.00
1916.....	154,974	9.00
1917.....	310,000	7.50 to 8.00

¹ Equivalent to about half these quantities of calcined magnesite.

Imports, 1908-1917.

[Both calcined and crude, but all calculated as calcined (MgO) in the following table.]

Year:	Short tons.
1908 (approximate only).....	74,100
1909.....	109,200
1910.....	161,300
1911.....	128,200
1912.....	133,800
1913.....	178,800
1914.....	127,500
1915.....	50,000
1916.....	23,700
1917.....	18,400

Imports, 1917, classified by countries: Mainly from Greece; in small part from Canada.

Exports: None recorded.

MANGANESE.

A. Manganese ore, 40 per cent manganese.

B. Ferruginous manganese ore, 15-14 per cent manganese.

C. Manganiferous iron ore, 5-15 per cent manganese.

D. Manganiferous zinc residuum, 14-15 per cent manganese.

Principal uses: Industrial—Manganese is essential in the manufacture of steel, every ton of which requires 14 to 15 pounds of manganese.

A. Manganese ore is used in the manufacture of ferromanganese and dry batteries. Ferromanganese is used in the manufacture of steel by the open-hearth process.

B and C. Ferruginous manganese ore and manganiferous iron ore are used largely in the manufacture of spiegeleisen, and in part in the manufacture of ferromanganese and high manganese pig iron.

D. Manganiferous zinc residuum is used in the manufacture of spiegeleisen by the Bessemer process.

Military—Manganese steel containing 12 per cent or more of manganese has some military applications.

Degree of independence (calculated by reducing all classes of ore to equivalent amounts of 48 per cent ore): 1917, production, 32; consumption, 100.

Need for Government control—To secure just allocation of high-grade imported ores. To stimulate development of domestic supplies and to encourage the substitution of spiegeleisen for ferromanganese in the steel manufacture.

PRINCIPAL DOMESTIC SOURCES.

A. Manganese ore: Major—Montana, Phillipsburg; Arkansas, Batesville; Arizona, Bisbee, Tombstone; Virginia, Bland, Rockingham, and Augusta Counties; Nevada, Lake County; Georgia, Bartow County; California, San Joaquin, Alameda, and Mendocino Counties. Minor—Virginia, Smyth, Giles, Campbell, and Warren Counties; Utah, Grand and Utah Counties; Tennessee, Bradley, Cocke, and Johnson Counties; Nevada, White Pine County; California, Riverside and Glenn Counties.

B. Ferruginous manganese ore: Major—Minnesota, Cuyuna Range; Colorado, Leadville District; New Mexico, Silver City; Michigan, Menominee Range. Minor—Georgia, Bartow County; Virginia, Augusta, Warren, and Smyth Counties; Montana, Butte and Phillipsburg.

C. Manganiferous iron ore: Major—Minnesota, Cuyuna Range; Wisconsin, Gogebic Range; Nevada, Pioche District. Minor—Virginia, Wythe and Augusta Counties; Arizona, Tombstone.

D. Manganiferous zinc residuum: New Jersey, Franklin District.

Domestic production and prices.¹

Year.	A	Average price of A. ²	B	C	D
	Long tons.		Long tons.	Long tons.	Long tons.
1908.....	6,144	\$12.74	\$55,894		110,225
1909.....	1,544	12.74	\$68,651		141,284
1910.....	2,258	\$12.25 to 12.74	\$61,101		137,173
1911.....	1,957	12.25	28,947	15,990	109,293
1912.....	1,664	12.25	28,316	23,201	104,670
1913.....	4,048	12.25	71,703	15,474	102,239
1914.....	2,084	11.76 to 12.74	81,540	17,276	100,193
1915.....	8,708	12.74 to 22.05	70,202	126,438	159,318
1916.....	26,997	22.05 to 26.95	176,130	372,673	198,817
1917.....	113,734	26.95 to 53.80	423,967	512,461	155,332

¹ Prices for B, C, and D not recorded in the survey.

² 49 per cent ore.

³ B and C not separated prior to 1911.

Year:	Imports, 1908-1917.	Long tons.
1908.....	178,203	
1909.....	212,765	
1910.....	242,348	
1911.....	176,852	
1912.....	300,661	
1913.....	345,108	
1914.....	283,464	
1915.....	320,778	
1916.....	569,569	
1917.....	629,365	

	Imports classified by countries, 1917.	Per cent.
Brazil.....	81	
British India.....	8	
Cuba.....	7	

Exports, 1917: Approximately equivalent to 24,000 long tons 48 per cent ore.

MERCURY.

(Synonym, quicksilver.)

Principal uses: Nonmilitary—making drugs, chemicals, fulminate for blasting caps, red oxide for antifouling paint, barometers, thermometers, thermostats, gas governors, mercury vapor lamps, storage batteries, cosmetics, boiler compounds, thallic acid, and dental amalgam; by haters and furriers in preparing raw material; and in the amalgamation of gold and silver ores. Military—making fulminate for detonating high explosives and fixed ammunition; drugs (calomel, corrosive sublimate, etc.) and dental amalgam for medical use; antifouling paint for ships' bottoms; and in storage batteries, barometers, etc.

Degree of independence: 1917, production, 120; consumption, 100. Need for Government control: To prevent speculative attempts to corner domestic supplies, to distribute the metal to users in order of war importance, and to assure stability of prices, market, and necessary supplies. Improvement of metallurgical processes, especially reduction of losses in smelter fumes.

Principal domestic sources: Major—California, Lake, San Benito, San Luis Obispo, Santa Clara, Solano, Sonoma Counties; Texas, Brewster County. Minor—California, Fresno, Kern, Monterey, and Napa Counties; Nevada, Humboldt, Mineral, and Nye Counties; Oregon, Lane County.

Domestic production and prices.

Year.	Quantity (flasks of 75 pounds).	Average price per flask.
1908	19,752	\$44.17
1909	21,075	45.45
1910	20,601	46.51
1911	21,256	46.01
1912	25,064	42.05
1913	20,213	40.23
1914	16,548	49.05
1915	21,033	55.80
1916	29,932	86.08
1917	36,351	106.12

Metallic mercury imports, 1908-1917 (for consumption).

Year.	Flasks of 75 pounds.
1908	201
1909	213
1910	9
1911	6,293
1912	1,103
1913	2,355
1914	8,198
1915	5,625
1916	5,655
1917	5,193

Imports, 1917, classified by countries: Not available, but mainly from Spain.

Exports, 1917: Eleven thousand two hundred and twenty-nine flasks.

MICA.

(Synonym—Isinglass.) (Sheet mica only.)

Only sheet mica is of importance in the war situation.

Principal uses: Nonmilitary—Insulator for electric apparatus and glazing stove fronts and lamp chimneys. Military—Insulator for electric apparatus, such as condensers for radio equipment in Army and Navy; used on every aeroplane, commutators, magnetos, spark plugs, etc.

Degree of independence: Production, 38; consumption, 100.

Need for Government control: To direct and aid the development of domestic supplies and to secure just allocation of imports.

Principal domestic sources: Prime importance—New Hampshire, North Carolina, and South Dakota; secondary importance—Virginia, Idaho, Alabama, Georgia, and South Carolina. Sheet-mica deposits of unknown extent and value occur in Texas, Colorado, Wyoming, Utah, Nevada, California, and Washington.

Domestic production and prices.

Year.	Quantity.	Average value per pound.
Short tons.		
1908	468	\$0.24
1909	905	.13
1910	1,238	.11
1911	944	.17
1912	423	.33
1913	353	.21
1914	278	.59
1915	277	.68
1916	433	.61
1917 (estimated)	650	.67

Imports, 1908-1917.

Year.	Quantity.	Value.
Short tons.		
1908	229	\$266,053
1909	923	618,813
1910	981	725,823
1911	664	505,552
1912	1,166	755,584
1913	(1)	947,783
1914	(1)	629,484
1915	(1)	692,299
1916	(1)	1,071,353
1917	(2)	948,205

¹Not recorded.

²Estimated at about 900.

Imports, 1917, by leading countries.

	Per cent.
British India	60
Canada	30

Exports, 1917, manufactures of \$74,485.

MOLYBDENUM.

Principal ore minerals, molybdenite and wulfenite.

Principal uses: The use in this country is small. About 15 to 20 tons of metal per year for making chemicals for the determination of phosphorus in steel, possibly 10 to 20 tons are used in steel and stellite making, but most of the molybdenum goes to Europe to be used as a substitute for part of the tungsten in high-speed tool steels. These uses have an important bearing upon the war because all apply to the steel trade. In France some molybdenum is used in making breech blocks for cannon.

Need for Government control: Molybdenum is a substitute for tungsten in steel for certain purposes. Though not now much used in the United States, it is exported for use by our allies and the industry in

this country should be fostered. One ton of molybdenum replaces 2 tons of tungsten in steel manufacture.

Principal domestic sources: (a) Arizona, Helvetia, Haulapai Mountains, near Yucca, and Schultz, Colorado, Summit County. (b) Smaller deposits scattered through Western States.

Domestic production and prices.

Year.	Short tons of metal in ore and concentrates.	Value.	Average price per pound.
1908-1913 ¹			
1914	25	\$25,000	\$0.50
1915	91	114,866	.64
1916	100	150,000	.75
1917	175	350,000	1.00

¹ A few hundred pounds of ore produced from time to time. Price ranged from 30 cents to \$3 a pound.

Import and export: The United States seems to be the world's largest producer and exports the largest part of the concentrates, metal, and ferromolybdenum produced.

Molybdenum and ferromolybdenum imports.

Year.	Quantity.	Value.
Short tons.		
1908		
1909	3	\$4,813
1910	1,012	14,402
1911	10	11,402
1912	4	4,670
1913	8	15,939
1914		59
1915		203
1916	(1)	
1917	(1)	

¹None recorded.

OSMIUM.

[One of the minor constituents of crude platinum and osmiridium, and obtained only by refiners of crude platinum.]

Principal uses: None.

Need for Government control: No present need. Control of a commodity for which there is no market is innocuous, and it was thought desirable to include osmium in the bill, in view of the possibility that new and important uses for it would be discovered.

Domestic production: No definite information on production available, but probably constitutes about 0.1 per cent of the recovery of platinum. No market quotations on osmium, and at present there is no market for it.

PALLADIUM.

Obtained principally from refining copper and nickel, matte, and bullion; a small amount recovered from refining crude platinum.

Principal uses: Alloyed with gold for dental use, thereby releasing platinum for war uses; also as gold alloy to replace the platinum used by jewelers.

Degree of independence: The United States produces less than 50 per cent of its requirements, and this will be lowered to about 10 per cent when the nickel refineries now under construction in Canada are completed.

Need for Government control: Chiefly to see that palladium-gold alloys are used by jewelers and the dental industry instead of platinum and iridium.

Principal domestic sources: Copper matte and ores from the Rambler mine, Wyoming, and Boss mine in Nevada.

Domestic production and prices: (See under Platinum.)

Imports, 1917: Not accurately known, but small as compared with domestic production. Countries of origin not recorded.

PAPER CLAY.

Principal uses: Manufacture of tile and pottery; for filler and sizing in paper manufacture.

Need for Government control: To develop domestic deposits, to improve methods of mining and refining, and allocate imports to industries for which it is most essential.

Principal domestic sources: Major—Georgia, Pennsylvania, South Carolina. Minor—California, Washington.

Domestic production and price.

Year.	Quantity.	Average price per ton.
Short tons.		
1908	64,510	\$4.82
1909	81,585	4.74
1910	85,949	4.89
1911	99,265	4.58
1912	119,857	4.36
1913	126,377	4.49
1914	110,328	4.83
1915	113,033	4.77
1916	153,434	5.01
1917 (estimate)	163,003	5.53

Imports: Imports of this type of clays not separately reported. Nearly all comes from England. Greater part used for filling and coating paper for which it is claimed domestic clays can be substituted only to limited extent.

PLATINUM.

(Also palladium, iridium, and osmium.)

(So-called platinum of jewelers is an alloy containing 10 to 25 per cent iridium and 75 to 90 per cent platinum. Electrical platinum is an alloy containing 15 to 50 per cent iridium and 50 and 85 per cent platinum.)

Principal uses: Nonmilitary—Large quantities of platinum-iridium alloy required in electrical industry, particularly by telephone, telegraph, and electrical control systems manufacturers. Pure platinum needed by sulphuric-acid industry and in chemical laboratories. Military—Pure platinum refined from the crude is required by the Government in very large quantities for the expansion of the "contact process" sulphuric-acid industry, and for the new nitrogen fixation plants. It is needed in the chemical laboratories, as utensils, of all industries supplying war materials. Platinum-iridium alloys are needed for electrical equipment on aeroplanes, trucks, tractors, and many of the instruments used by the Signal Corps and Medical Corps.

Degree of independence: The United States produces less than 1 per cent of the amount it consumes.

Need for governmental control: The War Department has already found it necessary through the War Industries Board to control the refining, distribution, and use of platinum.

Principal domestic sources: California—Placers in Yuba, Butte, Stanislaus, Calaveras, Trinity, Siskiyou, and Humboldt Counties, Nevada—In Clark County there are copper mines, some of the ores of which carry platinum and palladium. Considerable platinum and palladium are also obtained by the electrolytic refiners of gold bullion, copper matte, and bullion, and nickel matte. Oregon—Placers in Josephine, Jackson, Coos, Curry, and Grant Counties; and Sumpter, Baker County. Wyoming—In Albany County.

Domestic production (troy ounces).

Year.	Crude platinum containing some iridium, osmium, and palladium.	Refined platinum metals: Includes domestic crude and foreign crude refined in United States and recovered by copper, nickel, and gold refineries.			
		Platinum.	Iridium.	Palladium.	Osmiridium. ¹
1908.	750	(²)	(²)	(²)	(²)
1909.	672	* 638			
1910.	390	* 5,573	(²)	(²)	(²)
1911.	628	* 29,140	(²)	(²)	(²)
1912.	721	38,029	(²)	(²)	(²)
1913.	483	40,172	(²)	(²)	(²)
1914.	570	3,430	64	2,635	195
1915.	742	6,495	274	1,541	355
1916.	750	24,518	370	2,885	315
1917.	605	33,009	210	4,779	833

¹ Natural alloy of osmium and iridium.² No information available.³ Includes only platinum from domestic crude.⁴ Probably includes iridium and palladium.

Average annual price of platinum per troy ounce.

Year.	Imports.	Troy ounces.
1908.		\$21.27
1909.		24.98
1910.		32.70
1911.		43.12
1912.		45.55
1913.		44.88
1914.		45.06
1915.		49.63
1916.		83.40
1917.		102.82

Year.	Imports.	Troy ounces.
1908.		50,844
1909.		118,853
1910.		118,280
1911.		122,751
1912.		104,806
1913.		118,493
1914.		72,032
1915.		61,438
1916.		53,522
1917.		30,207

Imports, 1917, classified by countries: Ninety per cent of the crude platinum imported came from Colombia, South America. Normally Russia is an important source of supply.

Exports, 1917: None.

POTASSIUM.

Principal uses: Nonmilitary—Component of fertilizers in agriculture, manufacture of soap, certain kinds of glass, matches, etc. Military—Ingredient of certain explosives (black powder).

Degree of independence: Until 1915 the United States was almost wholly dependent upon Germany for its potash supply. The domestic production in 1917 was approximately 10 per cent of the normal prewar consumption.

Need for Government control: Government assistance is needed in prospecting for potash deposits, in improving methods of treatment, in fostering the development of new deposits, in developing substitutes, and in restricting consumption to essential uses. New methods and recovery of by-products material may make possible competition with German potash after the war. With Government encouragement a much greater development should take place along this line.

Principal domestic sources: Western Nebraska, alkali lakes; Searles Lake, San Bernardino County, Cal.; kelp beds of the Pacific coast, chiefly California; also Washington and Oregon; distilleries and other industrial wastes, California and elsewhere; Marysville, Utah, alunite; by-product from cement kilns, several States.

Domestic production.

[Calculated as K₂O.]

Short tons.

Year:	Short tons.
1908-1915, inclusive	Practically none.
1916	9,720
1917	26,372

Average annual price.

Year:	per short ton of K ₂ O.
1916 (about)	\$425
1917 (about)	500

Imports, 1911-1917.

Year.	Quantity.	Value.
	Short tons.	
1911.	1,145,663	\$16,191,561
1912.	1,077,271	14,875,794
1913.	1,071,952	15,252,951
1914.	783,720	12,141,563
1915.	108,156	4,081,284
1916.	11,877	2,374,894
1917.	11,986	3,120,231

The normal prewar rate of importation was about 250,000 short tons annually reckoned as K₂O.

Exports, 1917: None.

PYRITES.

(Synonyms: Pyrite, pyrrhotite, fool's gold, marcasite, coal brasses, iron pyrites, white iron pyrites, sulphur balls.)

Principal uses: Nonmilitary—For the manufacture of sulphuric acid, the larger part of which in normal times is consumed in the fertilizer industry. Military—Manufacture of sulphuric acid for use in munitions plants.

Degree of independence: 1917, production, 33; consumption, 100.

Need for Government control: To encourage development of domestic deposits of pyrite and of the substitute mineral pyrrhotite, particularly those near points of consumption. To effect an adjustment between pyrite and sulphur used in various plants so as to insure maximum economy.

Principal domestic sources: The principal producing deposits are located in Virginia, California, Georgia, New York, Alabama, Missouri; in the coal regions of Ohio, Indiana, Illinois, and Pennsylvania; and in the zinc-lead district of Wisconsin. Large unworked deposits occur in all the Rocky Mountain States, in Maine, and in North Carolina and South Carolina. Minor pyrite deposits occur in practically all the States of the Union.

Domestic production and prices.

Year.	Long tons.	Price per ton.
1908.	223,598	\$3.85
1909.	247,070	4.16
1910.	238,154	4.03
1911.	301,458	3.86
1912.	350,928	3.80
1913.	341,338	3.77
1914.	336,662	3.81
1915.	394,124	4.25
1916.	423,556	4.64
1917.	462,662	5.37

Imports, 1908-1917 (containing not more than 3.5 per cent copper).

Year:	Long tons.
1908	668,117
1909	688,843
1910	803,551
1911	1,006,310
1912	970,785
1913	850,592
1914	1,026,617
1915	964,634
1916	1,244,662
1917	967,840

Imports, 1917, classified by countries.

Per cent.

Spain	77
Canada	22

RADIUM.

Principal ore minerals: Carnotite, uranite, pitchblende.

Principal uses: Luminous compounds for watch and chronometer faces, compasses, barographs, etc. Medicinal, chiefly as cure or palliative for morbid tissue growths, such as cancer.

Degree of independence: 1917, production, 100+; consumption, 100.

Need for Government control: The Interior Department has in the past operated a plant for the production of radium, and it may find it necessary to do so in the future. The scarcity of radium-bearing ores, the great difficulties in treatment, and the importance of radium in therapeutics make Government control desirable.

Principal domestic sources: Major—Colorado (Dolores, San Miguel, Montrose, and Mesa Counties); Utah (San Juan, Grand, and Emery Counties). Minor—Colorado (Routt, Rio Blanco, and Gilpin Counties); North Carolina; South Carolina.

Domestic production, 1908-1917: Not over 25 grams radium salts.

Price: \$90 to \$100 to \$120 per milligram.

Imports, 1917: Value, \$50.

SEA SALT.

Principal uses: The principal uses of sea salt are table and dairy, fish curing, meat packing, and refrigerating. California salt is used by the Pacific coast and Alaska fisheries.

Need for Government control: To determine whether classes of salt readily obtainable in the United States can be substituted for imported sea salt in the fish-packing industries of the Atlantic coast, without endangering these important food supplies.

Principal domestic sources: California alone produces sea salt by evaporation of ocean water. The figures given are solar-evaporated salt made from sea water on San Francisco Bay, at Long Beach, and San Diego, and may include a very small amount of salt from California inland lakes.

The salt made by solar evaporation of the water of Great Salt Lake is not included here because of its high content of magnesium and calcium, which, it is believed, reduces the tissue permeability of the salt.

The Onondaga Coarse Salt Association, of Syracuse, N. Y., makes 25,000 to 30,000 tons of coarse salt annually by solar evaporation of natural brine, some of which is sold to Atlantic coast fisheries.

Domestic production and prices, 1908-1917.

Year.	Tons.	Average value per ton.
1908.....	122,364	\$2.94
1909.....	120,748	4.52
1910.....	120,252	3.99
1911.....	148,794	3.66
1912.....	149,000	4.09
1913.....	147,032	5.07
1914.....	153,002	5.08
1915.....	145,649	4.73
1916.....	154,375	4.20
1917.....	194,249	4.60

Year:	Imports, 1908-1917, for consumption.	Pounds.
1908.....	299,039,757	
1909.....	274,205,582	
1910.....	284,179,200	
1911.....	279,625,900	
1912.....	309,530,500	
1913.....	261,608,900	
1914.....	244,652,700	
1915.....	244,158,000	
1916.....	131,680,000	
1917.....		

Of the 1917 imports, about 70 per cent was sea salt.

Sea salt imports, 1917, classified by countries.	Per cent.
West Indies (approximately).....	87
Spain (approximately).....	8
Portugal (approximately).....	4

SULPHUR.

(Synonym: Brimstone.)

Principal uses: Under ordinary conditions about 150,000 tons of sulphur are used in the manufacture of paper, about 40,000 tons for agricultural activities, in addition to the use of sulphur for sulphuric acid, and a small amount for the manufacture of sulphuric acid for fertilizers. With the shortage of pyrite, larger amounts of sulphur are being used for the manufacture of sulphuric acid, both for agricultural and munitions purposes, so that in 1917, 463,364 long tons were used for this purpose. There is no information at hand as to the amount used for strictly military purposes; also used extensively in other chemical industries, particularly the vulcanizing of rubber.

Degree of independence: 1917, production, 105; consumption, 100.

Need for Government control: The munitions program of the Government calls for a quantity of sulphuric acid far in excess of our normal requirements. In order to meet the deficit of raw materials we have turned to sulphur and we must continue to depend upon it to a great extent. It is anticipated that the demand for acid will continue to expand and a large part of the added increment must be made for sulphur. The situation is made more acute by the limits placed upon pyrite importations from Spain. To utilize our pyrites and sulphur resources to the best advantage the two industries must be controlled as a unit, and in fixing prices it must be recognized that the two substances are competitors. It would be useless to try to stimulate the output of pyrites if no control could be exercised over the production and distribution of sulphur. Control is also needed to safeguard present supplies, to forestall profiteering, and develop new mines.

Principal domestic sources: The two main deposits are at Sulphur Mine, La., and at Freeport, Tex. These produce 99 per cent of the sulphur mined in the United States. Other producing deposits occur in western Texas, Wyoming, Nevada, and Colorado. Nonproducing deposits of minor importance are also situated in California, New Mexico, and Idaho.

Year:	Domestic production.	Long tons.
1908.....	369,444	
1909.....	239,312	
1910.....	255,534	
1911.....	205,664	
1912.....	303,472	
1913.....	311,590	
1914.....	327,634	

In 1915, 1916, and 1917 nearly the whole of the domestic production of sulphur came from two companies: in order not to divulge confidential reports, the production can not be stated, but it increased greatly in 1917.

Year:	Price per ton.
1908.....	\$18.05
1909.....	18.52
1910.....	18.02
1911.....	18.06
1912.....	17.32
1913.....	17.58
1914.....	18.17
1915 and 1916, approximately.....	22.00
1917, about 50 per cent higher than 1916.....	

Year:	Imports, 1908-1917.	Long tons.
1908.....	21,136	
1909.....	30,589	
1910.....	30,833	
1911.....	29,144	
1912.....	29,927	
1913.....	22,605	
1914.....	26,135	
1915.....	25,910	
1916.....	22,235	
1917.....	973	

Imports, 1917, classified by countries: Almost exclusively from Japan. Exports, 1917: 152,831 long tons.

THORIUM.

(See Corium and Thorium.)

TIN.

Principal uses: Manufacture of tin plate, solder, and bearing metals; tin oxides for enameling.

Degree of independence: 1917, production, 0.13; consumption, 100.

Need for Government control: To insure just allocation of imports to industries where they are most vitally needed and to promote development of the relatively small domestic resources.

Principal domestic sources: The principal producing deposits are in the York district, 100 miles northwest of Nome, Alaska. Periodically productive deposits are in North Carolina and South Carolina.

Domestic production and price.

Year.	Quantity.	Average price in cents per pound.
	Short tons.	
1908.....	25	29.54
1909.....	20	29.76
1910.....	30	34.27
1911.....	66	42.68
1912.....	80	46.43
1913.....	50	44.22
1914.....	104	35.70
1915.....	102	38.65
1916.....	140	43.48
1917.....	90	61.80

Imports 1908-1917.

[Tin bar imported for consumption (not including tin in ore or concentrates).]

Year:	Short tons.
1908.....	41,267
1909.....	47,062
1910.....	52,528
1911.....	53,527
1912.....	58,016
1913.....	52,329
1914.....	47,530
1915.....	57,792
1916.....	69,035
1917.....	71,845

In addition in 1916 and 1917, respectively, about 5,582 and 5,700 short tons of tin (metal content) in form of concentrates came in.

Imports 1917, classified by countries.

	Per cent.
Straits Settlements.....	35
England.....	25
Dutch East Indies.....	21
Bolivia.....	7
China.....	5

Exports 1917: Tin, pigs, and oxide of, 206 short tons.

TITANIUM.

Ore minerals—rutile, ilmenite.

Principal uses: Industrial—As ferro-titanium in cast steel it is said to make castings freer from blowholes than the untreated metal, and to add strength; as rutile, in making electrodes for arc lamps; as titanium salts in tanning and dyeing; as colorant in pottery glazes and glass. Military—Important, but secret.

Degree of dependence: 1917, production, 100 +; consumption, 100.

Need for Government control: Because demand heretofore has been insufficient to make operations profitable, producers probably will be unable, without Government assistance, to meet quickly the largely increased needs.

Principal domestic sources: Major—Virginia, at Roseland in Nelson County. Minor—New York, Adirondack region; Wyoming, Hartsville; Florida, Jacksonville.

Domestic production.

Year.	Rutile concentrates.		Year.	Ilmenite concentrates.		Total value.
	Weight.	Per cent, TiO ₂ .		Weight.	Per cent, TiO ₂ .	
	Short tons.			Short tons.		
1910.....	566	75-93	1910.....	(1)	(1)	\$44,480
1911.....	(1)	(1)	1911.....	(1)	(1)	37,200
1912.....	275	80-85	1912.....			49,000
1913.....	305	94-96	1913.....			3,595
1914.....	91	75	1914.....	89	55	27,500
1915.....	250	94-96	1915.....	300	55	16,500
1916.....	110	95	1916.....	95	55	227,039
1917.....	206	93	1917.....	7,759	53-55	

¹ No production.

Prices: The average price of rutile concentrated to 93 to 95 per cent TiO_2 has ranged around \$150 a ton. Ilmenite concentrates has sold for about \$25 per ton.
Imports: None.

TUNGSTEN.

Principal ore minerals, wolframite and scheelite.
Principal uses: Nonmilitary—Making high-speed tool steels, for which it is as staple as yeast in bread; tungsten filaments for incandescent lamps; contacts for internal-combustion engines. Military—All three uses are important in war work, high-speed tool steels making it possible to turn out the shells and other war steel needed with a minimum of time and men.

Degree of independence: In 1917, production, 65; consumption, 100 (estimated as metallic tungsten).

Need for Government control: If imports are reduced for any reason it will be imperatively necessary to develop many small or low-grade tungsten deposits in this country, and to do so within a reasonable time will probably require Government help in the form of a guaranteed price, technical supervision, or actual working of deposits. Uncertainty as to future market is now holding back further prospecting and new production.

Domestic sources. Principal—Arizona, Coconino County; California, Atolia, Bishop; Colorado, Boulder County; Nevada, Humboldt County. Minor—Alaska, Fairbanks and Nome; Arizona, Hackberry, Bradshaw Mountains, Las Guilas Mountains, Calabasas, and Yucca; California, Goffs, New York Mountains, Kernville, Greenhorn Mountains, and Grass Valley; Colorado, Silverton and Ames; Connecticut, Trumbull; Idaho, Murray and Patterson; Missouri, Silvermine (near Fredericktown); Montana, Jardine, Butte, Anaconda, and Libby; Nevada, Tungstenia, Snake Range, Sodaville, Oak Springs, and Pioche; New Mexico, White Oaks, Rinconada, and Elizabethtown; Oregon, Gold Hill and Baker City; South Dakota, Lead, Hill City, and Hermosa; Utah, Deep Creek Mountains, and Emigrant Canyon (near Lucin); Washington, Deer Park, Deer Trail, Loomis, and Bumping Lake.

Domestic production and prices.

Year.	Quantity concentrates, 60 per cent WO_3 .	Value.	Average price per unit. ¹
	Short tons.		
1908 (prewar).....	671	\$229,955	\$5.72
1909 (prewar).....	1,619	612,370	6.32
1910 (prewar).....	1,821	532,992	7.62
1911 (prewar).....	1,139	407,985	5.96
1912 (prewar).....	1,330	502,158	6.29
1913 (prewar).....	1,537	672,118	7.29
1914 (prewar).....	990	435,000	7.33
1915.....	2,332	4,100,000	29.30
1916.....	5,849	11,965,600	24.15
1917.....	4,800	5,760,000	20.00

¹A unit is 20 pounds of tungsten trioxide, WO_3 .

Imports, 1908-1917.

Year.	Quantity.	Value.
	Short tons.	
1908 (prewar).....	(1)	\$488
1909 (prewar).....	(1)	105,593
1910 (prewar).....	(1)	344,979
1911 (prewar).....	(1)	149,598
1912 (prewar).....	824	362,422
1913 (prewar).....	449	213,122
1914 (prewar).....	299	139,687
1915.....	1,776	1,044,986
1916.....	3,973	7,353,091
1917.....	4,876	4,465,594

¹ Not reported.

Imports, 1917, by leading countries.

	Per cent.
Bolivia (shipped from Chilean and Peruvian ports; a small amount probably originated in Peru).....	63
Japan.....	12
Mexico.....	6
Argentina.....	4
China.....	4
Portugal.....	2

Exports, 1917: 1,106 short tons of tungsten and ferrotungsten estimated as containing 885 short tons of tungsten.

URANIUM.

Principal ore minerals pitchblende and carnotite.
Principal uses: Main use is as a source of radium. Used in a small way as a substitute for tungsten in high-speed tool steels. Its various salts are used in pottery coloring.

Degree of independence: Domestic supplies are adequate for all present needs.

Need for Government control: The Interior Department has in the past operated a plant for the production of radium from uranium ores, and in view of the therapeutic importance of radium, the scarcity and difficulty in treatment of the ores, further Government assistance may be necessary.

Principal domestic sources: Major—Colorado: Dolores, San Miguel, Montrose, and Mesa Counties. Utah: San Juan, Grand, and Emery Counties. Minor—Colorado: Routt, Rio Blanco, and Gilpin Counties.

Domestic production.

Year.	Quantity (tons of ore).	Value.
1908.....	None.
1909.....	None.
1910.....	None.
1911.....	21.2	\$42,000
1912.....	22	150,000
1913.....	34.8	164,000
1914.....	74	148,000
1915.....	19.9	79,600
1916.....	23.5	93,875
1917.....	23	92,000

Average price: It is impossible to give an average annual price because there has been no market for the uranium as such. The value given on this sheet are figures derived from the price of sodium uranate produced. The comparatively low price of the ore has encouraged experiments looking to its use as a steel alloying metal. Almost the only present value for uranium ores is for the radium contained, and the ore would not otherwise be mined except in a most limited way.

Imports and exports: Not recorded, but small.

VANADIUM.

Principal ore, mineral roscoelite.

Principal uses: Nonmilitary—Vanadium is almost universally used in tool steels. It is also used extensively in steels in which great resistance to repeated strains is required, such as locomotive tires, automobile parts, and spring steels. Military—Each of these uses brings it into play in war materials.

Need for Government control: Fifteen tons of ferrovanadium were carried to Germany by the submarine *Deutschland*. Two American companies practically control the vanadium market. The scarcity of vanadium, its importance in the making of tough steels, the narrowness of its control, and the necessity of seeing that none reaches our enemies makes Government control essential.

Principal domestic sources: San Miguel County, Colo.

Domestic production.

Year:	Tons of metal in ore and concentrates.
1908-1909-1910, probably less than 200 tons of metal in ore valued at \$175,000.	
1911.....	275
1912.....	295
1913.....	432
1914.....	452
1915.....	627
1916 (estimate).....	550
1917 (estimate).....	550

Prices: The principal part of the vanadium produced is mined and reduced to metal by one company, so that it is impracticable to put a value on the ore. In 1910 and 1911 from 39 cents to 67 cents per pound for the metallic vanadium contained was paid for roscoelite ore in San Miguel County, Colo. Since then no vanadium ore is known to have been sold in this area. Vanadium has not been paid for in most shipments of carnotite ores. Vanadium in the form of ferrovanadium sold for about \$5 a pound for the contained vanadium up to 1912. In 1912 the price of vanadium fell to \$1.95 to \$2.50, depending on the quality, and remained at this figure until 1917, when prices raised to \$3.50 or more per pound.

Imports, 1908-1917: These came wholly from Peru, where the American Vanadium Co. owns the richest known vanadium deposits. Shipments have been as follows:

Year:	Metric tons.
1908.....	1,800
1909.....	1,749
1910.....	3,130
1911.....	2,251
1912.....	3,048
1913.....	None.
1914.....	14.5
1915.....	3,145
1916.....	None.
1917.....	None.

ZIRCONIUM.

Principal ore minerals: Zircon, the silicate of zirconium, and baddeleyite, the oxide of zirconium.

Principal uses: Limited use for refractory purposes. Experiments in progress to determine its value as component of special steels.

Need for Government control: Inserted in bill as precautionary measure in view of small domestic supplies and its possible utility in steels for ordnance.

Principal domestic sources: North Carolina; possibly certain beach sands in Florida.

Year:	Short tons.
1908.....	0
1909.....	1
1910.....	0
1911.....	11
1912-1917.....	0

Price: Several hundred dollars a ton.

Imports: Small unrecorded amounts, nearly all from Brazil.

Exports: None recorded.

Mr. MADDEN. Then it is not the intention to go under the five-minute rule to-night?

Mr. WINGO. If we do it will not run very long. There are about 30 or 40 minutes for general debate remaining.

Mr. SCOTT of Michigan. Before the gentleman gets into his regular talk, I would like to interrupt him. Under the provi-

sions of this bill, do I understand the gentleman is not allowed to participate or assist in mineral production except in so far as that assistance is rendered to going concerns?

Mr. WINGO. I will cover that.

Mr. SCOTT of Michigan. One other thought, and if the gentleman will touch upon it I would be glad to have him do so. I wish the gentleman would explain to what extent the United States Government will be allowed to expend any portion of this revolving fund in investigation of the United States lands.

Mr. WINGO. Well, of course, I do not know as to the last proposition.

Mr. FOSTER. If the gentleman will permit, I do not think it will be allowed to do so at all.

Mr. WINGO. Now, the first question is covered in the general purposes of the bill. Now, I will be perfectly frank with the committee. To a man holding the theory of government that I do, naturally when this bill was first suggested to me it did not appeal to me. Most of the objections that have been urged to it here at the time the rule was being discussed and since you have started under the general debate all of us could agree with as a general theoretic proposition.

But the considerations that move me as a member of the committee to abandon my prejudices against legislation of this kind were practical considerations. I think if there ever was a time in the history of this body when we ought to use practical "horse sense"—to employ a common slang expression—it is in dealing with matters like this.

Now, what is the situation that confronts us? These rare and semirare minerals may be considered insignificant things separately, with the exception of a few such as manganese, yet when you take the great bulk of these minerals and the amount of tonnage that is now being required in order to bring them into the United States and consider them in the aggregate volume, it is found to be very great. Now, we all know what the shipping situation is. The greatest war necessity covered by this bill is one of conservation of the shipping. If we can stop all of the imports as far as possible and save that shipping for the handling of our food supplies and our actual military supplies between here and France, that is a worthy and very commendable thing to do.

But we have got to have certain of these minerals. I am not technically familiar with all of them, but I have gathered this general idea from listening not only to the hearings, but to men in conversation with whom I have talked about it, that the great bulk of these articles are absolutely necessary, first in steel production and necessary in the construction of war materials, and necessary, a great many of them, as elements that enter into what you might call secondary construction of things that do enter into the construction of steel and different articles such as shells, and some of which enter into the construction of the gases that we are using, and some of which enter into the production of the caps of the small shells and the larger shells. That is the character of the stuff covered by these minerals. That being true, it is, of course, absolutely necessary that we should have a complete and constant supply to meet our war needs.

Now, what did we find was the next consideration that confronted us? With the exception of a few of these, the deposits in this country are so situated and so undeveloped in many instances that private capital is not going to go in and put up the necessary money to develop them and produce the flowing constant supply that we shall need unless they have some assurance that they will get a return for their money. That is a common-sense proposition that as practical business men we know is true. Now, the situation that confronts us is this: Shall the Government go out and go into the mining business, or will we undertake to authorize the Government to fix prices and guarantee prices up to a certain point that will be an incentive to men to go and put money into it and develop these deposits and bring them in? "But," you say, "you have authorized the Government to go into the mining business by giving this power over partially developed mines."

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. May I have three minutes more?

Mr. FOSTER. The gentleman had 10 minutes.

Mr. WINGO. Have I used 10 minutes, Mr. Chairman?

The CHAIRMAN. The gentleman has used five minutes. Accordingly, he has five minutes yet remaining.

Mr. WINGO. It is true that there is a provision in the bill that will authorize the Government to go and take over any deposit or mine. Is that not a necessary provision, for the Government to have absolute control? One reason why we framed one provision of the bill is that I, like others, do not like to have the Government go and take over a mine unless

it is to guarantee a constant flow of material needed for manufacturing of war materials, but I want it fixed so there will be no quibble or delay. We have authority of law to take it. We have specifically provided that the Bureau of Mines, which has every one of these deposits charted now, may take over, develop, or operate, if necessary, and I want the authority to be so broad that if it is necessary it can go on and do it.

But gentlemen say, "Do you need \$50,000,000?" To be perfectly frank with you, I will admit that that is an unknown quantity. I have been thinking about it during the discussion this morning more than during all the time the bill was considered by the committee. I think it would take that amount, because when you cut down suddenly the imports the Government ought to be in an attitude where, if it should place a general embargo upon the importation of these metals, to be able, when it sees that it needs those things and needs them quickly, to go into the open markets, if it wants to, and buy that much and turn it over to the plant that is manufacturing some war material. That is a practical business consideration, and it prompted us in thinking of having a revolving fund that the Government could use.

Mr. TOWNER. Mr. Chairman will the gentleman yield?

Mr. WINGO. Yes.

Mr. TOWNER. I want to call the gentleman's attention to this fact: As I read the bill, somewhat hastily, as I admit, I found there is only one provision in the bill in which the \$50,000,000 revolving fund is authorized, and that is section 11, and that applies only to the purchase of those things that are enumerated in section 1. It applies only to the purchase of these articles, such as antimony and arsenic and ball clay. I do not see in the bill any authorization for the use of this revolving fund of \$50,000,000 except for the purchase of those things, and certainly the gentleman would not contend that we would need \$50,000,000 for that purpose.

Mr. WINGO. I do not see how you can figure out how much you will need. As a practical business proposition, I do not see how you could do it. It is a business proposition, and I regret that we can not come in and say how much we will need for each particular ore.

You have got a great bulk of them here. It is true that the primary object of this bill is to guarantee the price and to guarantee at the same time the steady flow of these minerals necessary to meet the consumption in our war manufactures. Gentlemen can see that it is better for the Government to guarantee the price for two years and thereby induce private capital to develop the supply of these minerals than it would be for the Government to undertake to open up these deposits and develop and mine them as Government propositions.

In some instances it would be necessary for the Government to build railroads unless we follow the plan provided in the bill. I know of one great deposit of manganese that private capital would be willing to develop if given a sufficient incentive by a guaranteed price; but in order to get it out it is necessary to build a railroad, and the uncertainty of the market is such that unless they know they can have a market for at least two years at a reasonable price they are not going to put their money even into 8 miles of cheap railroad.

Something has been said about antimony. At one time I visited an antimony deposit in one county in my district. The gentlemen who own it have been after me. They are good protective-tariff Republicans. They have been after me ever since I have been in Congress to get them a protective tariff, and naturally I looked into it to see what the prices were. Before the war the price of antimony was about 8 cents. In 1915 it jumped up to 30 cents. In 1917 it dropped to 21 cents, and since then it has gone down a little lower. I know that in spite of that price one company has abandoned its mine. They say it is too uncertain, with the price jumping up and down, that the war may stop to-morrow, and they do not know whether they will get enough out of this to justify the expense of opening up the shaft, building the buildings, and assembling their plant and their organization. So they have gone away and abandoned it. Well, gentlemen need not say this is unpatriotic. It is a fact that the Government has got to deal with. We need this antimony. We need the manganese, we need the pyrites, we need the platinum, we need all these different things; and if we go dawdling along here for 12 months, perhaps, hoping we can cut down the imports and save our shipping in that way, and that patriotic citizens will come along and go to developing these small deposits just out of pure patriotism, it is too great a risk to run. So I think the businesslike thing to do is to come in and meet the emergencies of this war as proposed by this bill. So we propose to authorize the properly constituted bureau of the Government that has the technical knowledge and that knows where these deposits are to go in and stabilize the price by giv-

ing such a guaranteed price for not exceeding two years as will justify the men who own them in opening them up and developing them and producing these necessary minerals in sufficient quantities to meet our war needs. If they do that, after the war is over suppose we have fostered an enterprise that has developed mineral resources which will be worth a great deal to the country. That is not an objectionable thing, is it? [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. WINGO. I am sorry I have not time to discuss this matter further. It simply appeals to my good sense as a practical proposition to do this in order to save our shipping and at the same time stimulate the domestic production to the extent necessary to get these minerals in sufficient quantities to meet our war needs. It is a war need, and the bill is a war measure, pure and simple.

Mr. GARLAND. I yield 12 minutes to the gentleman from Indiana [Mr. SANDERS], a member of the committee.

Mr. SANDERS of Indiana. Mr. Chairman, I am in favor of this bill with one slight amendment. I think the bill as it stands will accomplish the objects which it seeks to attain. In the short time that I have in which to discuss it I want to mention the amendment that I shall offer when the time comes. It will be noted that the bill provides, in section 1, that the governmental control shall continue during the war and thereafter only until in the judgment of the President the agencies and activities herein provided for can be reasonably terminated.

Mr. MADDEN. That is pretty indefinite, is it not?

Mr. SANDERS of Indiana. Again, in section 23, the same provision recurs. It is my intention to offer an amendment to limit the time of governmental control to six months after the period of the war.

The purpose of this bill is to encourage the production and conserve the supply of the war minerals enumerated in the first section.

The objects to be accomplished by the bill are mainly the stimulation of the domestic production of these minerals and the administration of their distribution so as to best subserve the needs of the Government in the prosecution of the war.

It is proposed by this bill that America shall be self-sufficient, in so far as it is possible for her to be, with reference to these important minerals. The necessity for the legislation lies in the impossibility of obtaining, under any circumstances, many of the products which have heretofore been imported into this country, and the desirability of curtailing the imports of those that can be obtained, so as to save shipping. It will be impossible, of course, for America to produce her full requirements of all of these minerals. For example, it is not hoped to secure any considerable production of tin in this country, but it is believed that in an administration by the Department of the Interior the tin and other minerals which it is necessary to import can best be conserved and distributed. I think there will be no difference of opinion concerning the laudable purpose of the bill; the only question, of course, which occurs is whether the proposed law will accomplish the purpose sought to be accomplished.

This committee and the House of Representatives, since the war has begun, has scrutinized any legislation which undertakes to interfere by regulation and administration with the production and use of any article of manufacture and trade. But when it has been found necessary there has been no hesitation in enacting such legislation. I think it is only fair to the committee, which has unanimously joined in a favorable report of this bill, to say that all of its provisions have been discussed and carefully considered. In its consideration the committee had the heartiest cooperation and valuable assistance of the United States Bureau of Mines and of the United States Geological Survey.

The committee secured, through those two bureaus and from the Secretary of the Interior and other governmental bodies, invaluable data, carefully and painstakingly prepared, and the bill comes to the Committee of the Whole House with the approval of the Secretary of the Interior; Dr. Van H. Manning, of the Bureau of Mines; Director George O. Smith, of the Geological Survey; the War Minerals Board; the War Industries Board; the organization of State geologists; and many other officers and organizations in a position to understand the situation.

I am free to confess that I do not know the composition and value of many of these minerals, except from the data submitted to the committee. It would not serve any good purpose to discuss one after another the many different minerals named in this bill. The general purpose of the legislation, however, is made apparent upon the discussion of a few of them.

Take antimony, for instance, which is absolutely necessary to harden the lead for shrapnel bullets, we produced but 10 per cent of the antimony we used in 1917. Of the metallic antimony

we imported 87 per cent of that imported from China, and we imported in 1917, 28,195 tons altogether. With the assurance of a steady market for a period of time it is possible for this country to produce practically all of the antimony needed.

GRAPHITE.

America produces about 10 per cent of the crucible grades of graphite. This is an exceedingly important war material, because of its use in the manufacture of crucibles required in the production of brass, bronze, crucible steel, and various other alloys; it is also used as a protective polish for high explosives, and as an antifriction paint on ships' bottoms. By Government control the development of domestic supplies can be fostered and improved treatment of domestic ores may be so directed as to increase the yield of crucible grades. The principal supply of our import trade in graphite has been Ceylon and Madagascar.

MAGNESITE.

Magnesite is extremely important as refractory lining for steel and other furnaces, for ship decks, and railroad cars. We produce 90 per cent of the amount required, and could easily produce all that we require. The 10 per cent that we imported came principally from Greece.

MANGANESE.

Every ton of steel that is manufactured requires from 14 to 15 pounds of manganese, and the steel industry is so closely related to this war that this is practically a military use. We produced in this country but 32 per cent of our manganese. The domestic supply could be greatly increased, and a just and equitable distribution of imported supplies could be arranged.

The importance of this is noted at once when we consider that in 1917 there were imported into this country—

Long tons of manganese.....	113,734
Long tons of ferruginous manganese ore.....	423,967
Long tons of manganiferous iron ore.....	512,461
Long tons of manganiferous zinc residuum.....	155,332

Our imports came from Brazil, British India, and Cuba.

PYRITES.

Pyrites are called pyrrhotite, fool's gold, marcasite, coal brasses, iron pyrites, white iron pyrites, and sulphur balls; and in the coal regions are perhaps most familiarly known as sulphur balls. It is extremely valuable for us in the manufacture of sulphuric acid for use in munition plants. We produce about one-third of our consumption. America can quite easily produce all of the pyrites needed. There are many producing deposits in Virginia, California, Georgia, New York, Alabama, and Missouri, and in the coal regions of Ohio, Indiana, Illinois, and Pennsylvania. In southwestern Indiana, in the district which I have the honor to represent, thousands upon thousands of tons of sulphur balls, or pyrites, have been taken from the veins of coal and not used; tons of it have not even been brought to the surface, but lays in waste piles at the bottom of the mines; tons of it have been piled in waste piles on the outside.

This country now has reached the point where it is of vast importance that an abundant supply of sulphuric acid shall be had. Before these pyrites, however, are made available the market must be stabilized, so that the producers in America can be assured that they will be justified in making the expenditures for such domestic production. In order to do this it is required that some governmental body shall have authority to speak for the United States Government and give them this assurance.

The definite guaranty of such a price for pyrite and sulphur that it will pay the operator to produce it will afford the opportunity for the coal miner, without adding to the price of coal and without affecting the profit of the owner of the coal mine, to add to his day's pay, and thus help him to meet the increased cost of living and the increased cost of his tools, powder, and equipment. The bituminous coal fields of district No. 11 of Indiana contain valuable pyrites—what is commonly called sulphur—that has been wasted for years as gob. The coal miner must dig this and handle it; yet he is docked if he loads it in the car. And why should not the coal miner have a way to make additional money. I have no patience with the statement you sometimes hear that the coal miner is overpaid. He goes down into the dark and dangerous caves, risks his life and limb, and toils almost to the point of exhaustion; yet he is paid less per month than many laborers in other vocations. He must be ready to work every day; yet many weeks he gets but one, two, or three days per week, while his expense goes on. He finds it difficult, on the wages he makes, to feed and clothe his family and keep his children in school. The great importance of the work of the coal miner has come to the forefront since the beginning of the present war, and he has responded nobly and patriotically to the needs of the country in its day of peril. He would have abundantly supplied the

country with coal if the cars moved and motive power had been furnished to supply the coal mines. Just the other day the local organization of United Mine Workers of America in my district set aside part of the funds of the organization in order to purchase bonds in the third liberty loan.

(a) The miners have stood ready to do their full share in this mighty conflict, and they can be found to-day in great numbers in the military training camps, on the American battleships, and on the battle fields of Europe. One of their great leaders, John P. White, former president of the national organization, left his work and accepted an important position with the Government, where he is rendering inestimable assistance in connection with the Fuel Administration. His service is entirely unselfish; he not only receives no pay from the Government but has personally paid all of his expenses.

Edgar Wallace, editor of the United Mine Workers' Journal, the official publication of this organization, soon after the declaration of war, with his pen espoused America's cause in almost every issue. He is now in the military service and gone to battle with the allies against the central powers. He was past 50 years of age and was not eligible under the present regulations to enter the United States service. In his patriotic zeal to take part in the fight he joined the Canadian colors. And many other officials and members of this organization are to-day working in Government and patriotic organizations that have formed as the war has progressed.

When America and her allies shall have crushed our foe in this mighty struggle, and history shall enumerate the many elements that brought victory for the world's liberty, these men who have kept our locomotives running, who have kept the furnaces of our munition factories and our ordnance plants burning, and who have warmed and lighted the firesides of America shall not be forgotten.

It is not possible for the Government at present to disclose with definiteness the requirements of each of the minerals named in this bill. Practically all of them are of vast importance in the production of munitions and in the manufacture of gases. When we declared that a state of war existed between the United States and the Imperial Governments of Germany and Austria this Congress pledged all the resources of the country to bring the conflict to a successful termination.

Our task was not done when we pledged to the prosecution of this war the resources of this country. It is our task to so utilize these resources that the heaviest blow may be struck against our foe. It takes no military expert to know that upon America's shoulders shall rest a great part of the burden of furnishing the arms, the munitions, the gases, and the fighting machinery which will be necessary in the successful prosecution of the war. Military men tell us that the progress Germany made in trying to carry out the objects of her great offensive were made because she was amply supplied with gases, with big guns, and colossal accumulations of shot and shell.

The Secretary of the Interior has recommended the passage of the bill. These men have made a survey and have gathered statistics and facts and know the economic facts entering into the situation. They say that we must have this relief or else we can not go on in the future manufacturing munitions and manufacturing gases necessary to carry on the war.

Mr. MADDEN. Who says that?

Mr. SANDERS of Indiana. It is said by the Secretary of the Interior and also by Dr. Manning.

Mr. MADDEN. What does the Secretary know about it?

Mr. SANDERS of Indiana. He is the Secretary of the Interior.

Mr. MADDEN. Secretary Lane says at the beginning of the communication which is in the report of the committee that he does not know anything about it. He says:

Of course, you realize I am not an expert mineralogist or metallurgist, nor do I know much about mines or the mineral resources of this country, excepting as I have come in contact with them in my life in the West and in my present duties.

Mr. SANDERS of Indiana. That is true, but he is at present the Secretary of the Interior, under which are the Bureau of Mines and the United States Geological Survey, so that he would naturally have some information about it.

Mr. HAMLIN. The gentleman has just stated what I was going to say. The Bureau of Mines and the Geological Survey being in his department, he would in all probability consult them, and his opinion would be based upon expert knowledge.

Mr. MADDEN. Is it reasonable to presume that the head of a department knows the technical details of matters for which men are employed in the various branches in his department? I do not think it is fair to assume that he does.

Mr. SANDERS of Indiana. If the gentleman will read the entire statement of the Secretary before the committee, he will find that he enumerates many facts and substantiates them.

To what source should we go if not to the head of the department of the Government which has these very things in charge?

(b) If this law effects the accomplishments of the objects sought, during the war, and America becomes self-sufficient, it will give such an impetus that with proper legislation, after the war, the country will continue its domestic production. New beds of ores will be found, new processes to recover many of these minerals as by-products will be discovered and developed, and America's industries shall become more and more independent. It is the hope of the civilized world, although I confess without any historical precedent, that great wars shall be at an end at the close of this mighty struggle. But no one wants America to rely wholly upon this hope, and no one knows what other nation, in the next quarter of a century, shall be at war with our own Nation. We should not be wholly dependent for many of the elements of our war munitions upon imports from other countries; we should be dependent upon imports only when they can not be produced in America. With the lessons we shall have learned during the present war, it is to be hoped that the United States will be able to defend herself by the use of force whenever that shall be necessary. We are already producing in America our merchant ships and battleships, we are progressing in the production of a great air fleet. We must now complete the task of preparing for the country's defense. Let us, by the proper encouragement and stimulation of our munition industries, and of the production of all the necessities for use in munition industries, be prepared to turn out our own guns, to make our own bullets and shells and projectiles, to manufacture the powder and explosives required, and to produce in large quantities if necessary the gases for trench warfare. America has long boasted of her wealth, her resources, and her latent power. Her task is to organize and make effective this immense power and these inexhaustible resources so that her people may always be protected against any power which invades their sacred rights. In this mighty task America will not fail. [Applause.]

Mr. GARLAND. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. ROBBINS].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for four minutes.

Mr. ROBBINS. Gentlemen of the committee, I am going to support this bill, but I am going to ask that it be amended in three particulars.

First, I think it should be limited to an expenditure of \$10,000,000. I have reached a point in this war where I do not believe it is unpatriotic to be economical. This \$50,000,000, of course, is set aside, to be later appropriated by an appropriation specifically made by the Appropriations Committee; but let us start off with \$10,000,000 instead of \$50,000,000 and see how the development of these small mines works out.

Second, I think this bill should be amended by permitting the Secretary of the Interior to enter upon the development of the mineral resources of the United States upon the public lands of the United States, and let us see if we do not have some public lands that are immensely rich in these secondary necessary minerals.

Third, I think this bill should be amended by permitting the Secretary of the Interior to call upon the various States of the Union to furnish the geological surveys and data that have heretofore been collected in reference to the mineral resources of the various States, without requiring expense to the General Government in going in to search for them in the States. I know that in Pennsylvania we have a very complete and exhaustive survey of the mineral resources of that Commonwealth, and these would be available if this bill permitted the Secretary to call for them, without cost and without delay, and time is exceedingly important now.

I am delighted to see my generous, genial old friend from Illinois, who is in charge of this bill, and the other members of this committee that constitute the Democratic majority, at last coming around to the good, sound Republican idea of "a protective tariff," because the placing, as this bill does, of a fixed minimum price upon these necessities, as they are termed in the bill, at which the Government of the United States will buy them, is exactly bringing us back where we would have been if we had adopted a protective tariff five or six years ago and developed the resources of our own country instead of allowing these minerals to be brought in from abroad, and compelling us to pay foreigners for these minerals which we have in abundance at home.

Mr. GREEN of Iowa. And, if the gentleman will permit, would not have cost us \$50,000,000, either.

Mr. ROBBINS. Would not have cost us anything; we would have paid our own people and developed our own resources.

Take tungsten, for instance—and I happen to know of a mine in Arizona that is located 15 miles from the railroad, high up in the mountains, that every chemist that has visited it pronounces it to be one of the richest deposits of tungsten yet discovered on the face of the globe. It is richer than the mines of South America, from which we import tungsten, and it never has been developed because it will involve an initial outlay of several millions of dollars, and no company would embark in that enterprise with the shipping facilities as they were prior to this war, such that would bring tungsten in from South America at a price that would not justify the initial investment required to develop the Arizona minerals.

Mr. MADDEN. How does the gentleman know it is so rich if it has never been developed?

Mr. ROBBINS. I know it because I helped to pay three chemists and experts out of my own pocket to go there and investigate it. I also know of a mine containing one of the minerals given in this list, to wit, magnesite, and the importation of which does not altogether depend on the fact that we do not have ships. It depends on the fact that the countries from which we got this mineral are to-day at war with us. Last year we imported 170,000 tons of magnesite from Austria. This is, of course, now entirely stopped.

Mr. Chairman, this bill proposes to encourage the development of 45 secondary minerals, all of which are absolutely essential to the prosecution of high-grade steel for this war. For instance, chrome, vanadium, manganese, and tungsten are all necessary ingredients of steel that is used in armor plate, armor-piercing projectiles, steel used in the construction of automobiles, steel necessary in the manufacture of ball bearings of wheels, in the engines of automobiles, airplanes, cannon, ships, and so forth. Last year we imported these minerals as follows:

Mineral.	Quantity.	Value.
Manganese.....long tons..	750,000	\$37,500,000
Pyrites.....do.....	1,000,000	12,000,000
Graphite.....pounds..	48,000,000	12,000,000
Tin.....short tons..	80,000	96,000,000
Antimony.....do.....	21,600	9,500,000
Chromite.....do.....	72,000	3,600,000
Tungsten.....do.....	4,500	6,000,000
Total value imports.....		177,850,000
Additional value of domestic production.....		120,000,000
Total.....		297,850,000

In the case of chrome, which was formerly imported from Turkey and Caledonia, we are now compelled to search for these minerals at home, as importations are impossible. We are at war with Turkey, and we have no ships to carry the mineral from Caledonia.

The ordinary price of this mineral is from ten to fifteen dollars per ton. The market price now is \$70 per ton and advancing. The war has greatly increased the demand for it.

It is found in California in pockets, in Nevada and Idaho and southern Pennsylvania and some other parts of the United States. The mining of it is expensive, because it is at such great distance from railroads, and is not persistent in its stratification.

There is a mine in southern Pennsylvania that was worked extensively between 1827 and 1848, when the mine was closed because of the importation of cheaper ore from Turkey.

These minerals can all be found in the United States if the Government would protect the American miner and mine owner, so they can operate these mines and be assured that their investment will not be ruined and rendered worthless, and the money put into such enterprise be lost immediately at the close of the war because of the cheap ores from abroad.

The Report of the Geological Survey, found in public documents issued on the 26th of October, 1917, shows conclusively the abundance of this mineral and the ability of the American operators to produce it if properly protected.

The deposits of tungsten in Arizona, if the industry is properly protected, will furnish all of that mineral that is required in the manufacture of iron in the United States. The same is true of every article in this schedule.

Therefore I favor the passage of this bill, believing that we will not only become self-sustaining by producing these minerals in abundance from our own mines, but we will save the vast sum that we are sending abroad each year for this mineral and pay it over to American mine owners, American workmen, and American investors, and be free and independent of all foreign producers.

As stated above, if these minerals which have become so necessary in the manufacture of war materials shall receive adequate

protection we would now have an abundant supply and not be paying \$70 per ton for chrome and five or six prices for vanadium, manganese, and tungsten, and also be confronted, as we are now, by a diminishing and uncertain supply.

The United States has a greater area of these minerals than any other country. It is true that the deposit is not always as rich as it is abroad; our chrome will run about 55 or 60 per cent, while the Turkey and Caledonia will run as high as 80 per cent. The California, Nevada, and Idaho deposits average from 40 to 50 per cent, but within the last year explorations in these various regions have developed the fact that we have abundance of these minerals, and they will be developed, provided investors are insured protection for their investments; and I am glad that the majority party has now come around to admit the fact that by the protection afforded by this bill, which is in the shape of a guaranteed price by the United States Government instead of a protective tariff, they can secure an adequate supply from our home mines. And I make the assertion, which has been verified in other like cases, that when mine owners understand that they are to be protected, local competition will bring the price down to practically less than we could import these minerals from abroad. Competition at home has always reduced the price.

Sometimes it requires hard knocks to make our Democratic friends, who have control of this Congress, admit the true value of a "protective tariff" and its beneficial results, but in this case they seem to have come to the realization of that principle of political economy and to admit its truth and to adopt it, as they are now doing in this bill.

I earnestly hope that when the bill comes to be considered for amendment that it will be so amended that the Secretary of the Interior may be permitted to enter upon the public lands of the United States and develop these minerals. I have no doubt, from a careful study of the geological report as compiled by Prof. J. S. Diller, of the United States Geological Survey, and issued during the current year, that these minerals exist in great abundance on the public domain. We will, therefore, not only add to the wealth of the United States by proving the presence of these minerals, but we will greatly stimulate their development and production.

But, Mr. Chairman, I can not see any reason why we should appropriate at this time the very large sums of money stipulated in this bill. In section 17 it is provided that \$500,000 is authorized to be appropriated for the purpose of "paying for personal services, traveling expenses, equipment, printing, publication, etc." This, of course, means that this sum is to be used in "exploiting, inspecting mines," etc. No part of this is to be used in actual development.

Under this section of the bill the Secretary of the Interior is authorized to create a large force to travel around the country inspecting mines, but in no instance are there to be any new developments from the expenditure of this sum. These places are to be outside the civil service, and it looks to me as if this is merely to create a large junketing party of specialists, or alleged specialists, who would do nothing but travel about and make reports. I am rather suspicious, especially when it is stated they shall be "outside the civil service." Who is to be the judge of the qualifications of these numerous high-class, high-paid specialists? What is to prevent favoritism and partisanship from entering into their selection? Who is to appoint them? What limit is there on the number or what standard is to be used in judging their excellence or in determining their selection? I do not like this. Let us adhere to the principle, at least, of having competent people in this service.

I shall move at the proper time to strike out, in lines 6, 7, and 8, section 2, page 3, which read as follows, "Any person may be employed under the provisions of this act without reference to the civil-service list and regulations."

I am not in favor of undermining the Civil Service Commission in its power to examine and certify proper persons for service under the provisions of this bill.

Mr. Chairman, I shall also move, when we come to consider section 18, page 18, to strike out "\$50,000,000" and substitute in lieu thereof "\$10,000,000."

This will be a sufficient sum of money for the purpose of establishing a fund to either buy these minerals at a fixed price or take over and operate mines where it may be necessary and to carry out the provisions of this bill in the beginning. In order to secure the minerals enumerated in section 1 of this bill, as I have stated above, let us not go into this matter too extravagantly. I believe we should have some regard for the expenditure of taxpayers' money. It is certainly not unpatriotic to keep a careful hand upon the Public Treasury of the United States. If, when these deposits are discovered and it is ascertained that more money is needed, Congress will be here and

can promptly appropriate such additional money. The Treasury will certainly be in no worse condition than it is to-day to bear this increased financial burden.

Fifty million dollars is a vast sum, and it is a great temptation to this army of inspectors and the large number of mine owners, promoters, and investors to try to get their hand into the Treasury and get out a part of this money. Let us know what we are getting into before we pay out and appropriate and set aside such a large sum of the taxpayers' money.

Mr. CHAIRMAN, I am heartily in favor of this bill; I believe it will result in the development of these minerals in most, if not in every instance, to the extent they are needed for the prosecution of the war, because during the war all of these are essential necessities, as they are termed in the bill, and also give us an abundance so we can export to our allies sufficient for their needs.

I want to sustain the administration in every effort it may make to fight this war. I want to support the President as the Commander in Chief of the Army in every way and \$10,000,000 will be sufficient to start this program.

If I thought that anyone in the trenches would lose his life because we do not have steel and iron properly compounded and finished, then I would appropriate not only \$50,000,000 but many times that sum. What we want to do above everything else is to overcome the whole of the German army, headed by the German Kaiser, and everything that will accomplish that end quickly and finally shall have my hearty and earnest support.

Therefore, I stand ready to indorse this bill, to vote for it, and to support its every provision earnestly and enthusiastically.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBBINS. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, to assure an adequate supply, equitable distribution, and to facilitate the production and movement of necessities, which necessities are defined in this act to include only the following-named mineral substances and ores, minerals, intermediate metallurgical products, metals, alloys, and chemical compounds thereof, to wit: Antimony, arsenic, ball clay, bismuth, bromine, cerium, chalk, chromium, cobalt, corundum, emery, fluor spar, ferrosilicon, fuller's earth, graphite, grinding pebbles, iridium, kaolin, magnesite, manganese, mercury, mica, molybdenum, osmium, sea salt, platinum, palladium, paper clay, potash, pyrites, radium, sulphur, thorium, tin, titanium, tungsten, uranium, vanadium, zirconium, and of other rare or unusual elements the supply of which may, in the judgment of the President, be inadequate for war and industrial needs; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulation, and private controls, affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessities during the war and thereafter only until, in the judgment of the President, the agencies and activities herein provided for can be reasonably terminated. For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and prohibitions hereinafter set forth are created, established, conferred, and prescribed.

Mr. LONGWORTH. Mr. Chairman, I desire to offer an amendment.

Mr. FOSTER. Mr. Chairman, the word "kaolin," on line 4 of page 2, is spelled incorrectly—"koalin." I ask that the correction be made.

The CHAIRMAN. Without objection, the correction will be made by the Clerk as desired.

There was no objection.

Mr. LONGWORTH. Mr. Chairman, I desire to offer an amendment, and I suggest to the gentleman in charge of the bill that, with his permission, I will offer an amendment and have it pending, and shall be glad, if the gentleman thinks it wise or if his information is that it is wise not to pass it, later on to withdraw it. I move, on page 2, line 1, to strike out the words "and chemical compounds."

The CHAIRMAN. The gentleman from Ohio moves an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Page 2, line 1, strike out the words "and chemical compounds."

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

Mr. FORDNEY. Mr. Chairman, before that motion is put, I would like to ask if we shall be permitted to offer amendments to this section 1 later?

Mr. FOSTER. Yes.

Mr. FORDNEY. I will be better prepared later on to offer an amendment.

The CHAIRMAN. That is a matter of jurisdiction of the committee, to be stated by the chairman. The Chair will state

that the gentleman will have that right. The gentleman from Illinois [Mr. FOSTER] moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, and had come to no resolution thereon.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 24, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (H. R. 10851) to provide a method for disposing of intoxicating liquors now or hereafter in the possession of United States court officials, reported the same with amendment, accompanied by a report (No. 506), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ELSTON: A bill (H. R. 11625) to establish the Lake Tahoe National Park in the States of California and Nevada, and for other purposes; to the Committee on the Public Lands.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 11626) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: A bill (H. R. 11627) to provide that the United States shall aid the States in the maintenance, repair, and reconstruction of public roads subjected to extraordinary traffic wear by reason of the use of such roads by the Government of the United States; to the Committee on Roads.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11628) to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914; to the Committee on the District of Columbia.

Also, a bill (H. R. 11629) to amend section 48 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. EVANS: A bill (H. R. 11630) repealing that portion of the Indian appropriation act of March 1, 1907 (34 Stat. L., pp. 1015, 1035), which relates to the disposal of the surplus unallotted lands within the Blackfeet Reservation, in Montana; to the Committee on Indian Affairs.

By Mr. CHANDLER of Oklahoma: Resolution (H. Res. 320) requesting certain information from the Secretary of the Interior; to the Committee on Indian Affairs.

By Mr. MONTAGUE: Resolution (H. Res. 321) to pay Hervey E. Dameron, clerk to the late William A. Jones, a Representative in Congress, \$166.66; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11631) granting a pension to Thaddeus Sweitzer; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 11632) granting an increase of pension to Isaiah M. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11633) granting an increase of pension to Elijah Fortner; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 11634) granting an increase of pension to Edward H. Harpster; to the Committee on Pensions.

Also, a bill (H. R. 11635) granting an increase of pension to Sarah J. Yeater; to the Committee on Pensions.

Also, a bill (H. R. 11636) granting an increase of pension to Luther Detwiler; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 11637) granting a pension to Anna Bell O'Neal; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 11638) granting an increase of pension to William Weders; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 11639) granting an increase of pension to Martin V. Stanton; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 11640) granting a pension to Mary J. Hood; to the Committee on Pensions.

Also, a bill (H. R. 11641) granting a pension to Henry Jones; to the Committee on Pensions.

Also, a bill (H. R. 11642) granting an increase of pension to John E. Andrews; to the Committee on Invalid Pensions.

By Mr. LESHNER: A bill (H. R. 11643) granting an increase of pension to James A. Barwick; to the Committee on Pensions.

Also, a bill (H. R. 11644) granting an increase of pension to Mary E. Kline; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 11645) granting a pension to Alida W. Bernhard; to the Committee on Pensions.

Also, a bill (H. R. 11646) granting a pension to Estella R. Wetzel; to the Committee on Pensions.

Also, a bill (H. R. 11647) granting a pension to Mary S. Hollinshead; to the Committee on Pensions.

Also, a bill (H. R. 11648) to correct the military record and grant an honorable discharge to Charles M. Bingham; to the Committee on Military Affairs.

By Mr. PORTER: A bill (H. R. 11649) granting an increase of pension to Robert Walker; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11650) granting a pension to Mary Arnold; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 11651) granting an increase of pension to Sylvester A. Simpson; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11652) granting an increase of pension to Fletcher P. Roberts; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 11653) granting an increase of pension to John Coombs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11654) granting a pension to Nancy Dillon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11655) granting an increase of pension to Alexander P. Minton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Baltimore Federation of Labor, urging the adoption of the two-platoon system in the fire department of the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Ideal Lawn Weeder Co., Pittsburgh, Pa., urging an increased war tax on dogs; to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of the United States of America relative to central control of Government war buying; to the Committee on Military Affairs.

Also, memorial of the Chamber of Commerce of the United States of America relative to installment payment of taxes; to the Committee on Ways and Means.

By Mr. ELSTON: Resolutions passed by Berkeley Defense Corps, urging Congress to pass adequate laws for the punishment of spies and traitors; to the Committee on the Judiciary.

By Mr. FOCHE: Evidence in support of House bill 7440, for the relief of William Zimmerman; House bill 10675, for the relief of James H. Nale; House bill 8052, for the relief of Daniel Gossert; and House bill 8045, for the relief of Mary H. Staley, Fayetteville, Pa., widow of George Staley; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7454, for the relief of George D. Jones; to the Committee on Military Affairs.

Also, evidence in support of House bill 10932, for the further relief of Mrs. Laura D. Bricker; to the Committee on Pensions.

By Mr. FULLER of Illinois: Petition of the El Paso County Medical Society, of El Paso, Tex., favoring the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, petition of numerous citizens of Illinois, favoring a measure for universal military training; to the Committee on Military Affairs.

Also, petition of citizens of Lissant, Ill., for national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of the Socialist Party convention of Belmont County, Ohio, at Bellaire, protesting verdict against Thomas Mooney; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of H. S. Crocker Co., stationers-printers, 565-571 Market Street, San Francisco, Cal., and 11 other firms of San Francisco, Cal., favoring payment of income and excess-profits taxes in installments; to the Committee on Ways and Means.

By Mr. SNYDER: Petitions favoring partial payments of war excess and profit taxes from the Shenandoah Cotton Co., Utica, N. Y.; Buchanan Hardware Co., Richfield Springs, N. Y.; Union Mills, St. Johnsville, N. Y.; Alex. Taylor & Co., New York City; Rockwell Woolen Co., Leominster, Mass.; Lorenz Knit Goods Manufacturing Co., Chicago, Ill.; to the Committee on Ways and Means.

By Mr. STEENERSON: Letter of Minnesota State Board of Control, signed by Charles E. Vassily, in favor of H. R. 1768, proposing establishment of school and home for feeble-minded persons; to the Committee on the District of Columbia.

Also, memorial of the Presbytery of Red River, signed by Rev. S. F. Sharpless, D. D., Crookston, Minn., protesting against increased zone rate of postage on second-class mail matter (magazines); to the Committee on Ways and Means.

SENATE.

WEDNESDAY, April 24, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we desire to enter upon the duties of this day with a consciousness of the divine presence and blessing resting upon us. Draw near to us and give us the inspiration of Thy Holy Spirit that we may see clearly the majesty of the Lord and that we may realize that we hold a divine commission for the work that we are undertaking to do, and that we are resting constantly under the divine blessing. We ask these things for Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM LOUISIANA.

The VICE PRESIDENT. The Chair presents the following certificate from the governor of the State of Louisiana, which will be read.

The Secretary read as follows:

STATE OF LOUISIANA,
EXECUTIVE DEPARTMENT,
Baton Rouge, April 22, 1918.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Louisiana, I, Ruffin G. Pleasant, the governor of said State, do hereby appoint WALTER GUION a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of ROBERT F. BROUSSARD, is filled by election as provided by law.

Witness: His excellency our governor, Ruffin G. Pleasant, and our seal hereto affixed at Baton Rouge this 22d day of April, A. D. 1918.

[SEAL.]

RUFFIN G. PLEASANT, Governor.

By the governor:

JAMES J. BAILEY,
Secretary of State.

The VICE PRESIDENT. The certificate will be placed on file. If there is no objection, the newly appointed Senator will present himself at the desk and receive the oath of office.

Mr. GUION was escorted to the Vice President's desk by Mr. RANDELL; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

DENIAL BY MR. CREEL.

Mr. THOMAS. Mr. President, during the discussion yesterday the attention of the Senate was called to a newspaper clipping, in which it was stated that Mr. George Creel had approved a certain article appearing in the paper called the Masses. I think it is only fair to say that in yesterday afternoon's Washington Star Mr. Creel denied all and everything charged against him in the article mentioned, and in that denial he said:

Neither my committee nor myself has or ever has had authority to approve or disapprove an advertisement or any other article for publication in a newspaper or periodical unless such article is prepared in the office of the Committee on Public Information. That is a function of the Attorney-General or the Department of Justice, if it belongs to anyone.